
MINUTES OF THE PROCEEDINGS
OF
THE COUNCIL
OF THE
CITY OF PITTSBURGH
FOR THE YEAR
1983

VOLUME 117-A

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Anderson	Bill No. 3049 - Commending Pgh. Action Against Rape	702
Black	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1080
Brose	Bill No. 3497 - Support our Neighbor hood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1183
Buckley	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	191
Buckley	Bill No. 2681 - 1983 Budget Re-opening	377
Buckley	Requesting a public hearing on the Mayor's proposal for a Water Authority	1585
Caliguiri	Bill No. 2323 - "Woman of the Month" presented to Therese Rocco	18
Caliguiri	Bill No. 3276 - Commending Mayor Caliguiri for his heroic actions which averted a serious tragedy in the Hazelwood Community	864
Caliguiri	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto Letter	988
Caliguiri	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1162
Caliguiri	Presentation of the 1984 Budget	1499
Calloway	Bill No. 3277 - "This is your life" Testimonial Banquet on 6-25-83	865
Cianca	Bill No. 2446 - Recognizing Officer Vic Cianca/Acceptance	131
Cochran	Bill No. 4005 - Congratulating the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary	1474

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Coheres	Bill No. 2966 - Commending the Veteran Police Association	652
Conway	Bill No. 2487 - Proclaiming February 6-13 as "Crime Prevention Week"	183
Cryder	Bill No. 2928 - Recognizing the Negro Educational Emergency Drive on their 20th Anniversary/Acceptance	624
Davis	Bill No. 2818 - World Health Day April 7/Acceptance	516
DePasquale	Bill No. 2273 - Waive two week waiting period	10
DePasquale	Bill No. 2274 - \$40.00 Voluntary Head Tax.	15
DePasquale	Bill No. 2323 - "Woman of the Month" presented to Therese Rocco	19
DePasquale	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	27
DePasquale	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	37
DePasquale	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	52
DePasquale	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	59
DePasquale	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	90
DePasquale	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	95
DePasquale	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	100
DePasquale	Bill No. 2297 - Third Ave., Fourth Ave. and Market St., Waterline relay and Bill No. 2298 Lowe St. Bridge Waterline relay	107

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 2417 - Inviting the Pittsburgh Baseball Club and Warner Amex Company to voluntarily make a contribution to the Stadium Authority	120
DePasquale	Recognition of Doc Fielder and Mr. Tibbs	124
DePasquale	Bill No 2418 - Identify and specify the proposed 12th Ward Multi-Purpose Recreational Facility Project in the first City of Pittsburgh bond issue for 1983	125
DePasquale	Bill No. 2445 - Honoring Bev Smith	130
DePasquale	Bill No. 2446 - Recognizing Officer Vic Cianca	132
DePasquale	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	141
DePasquale	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	143
DePasquale	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	161
DePasquale	Cablecasting of Council's Post Agenda hearings	178
DePasquale	Presentation of Read and Adopted Resolutions	181
DePasquale	Bill No. 2486 - "Declaring the week of February 7 as "Phyllis Hymen Week"	182
DePasquale	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	187
DePasquale	Bill No. 2490 - A Formal Invitation to President Ronald Reagan to visit Pittsburgh to show sprouts of recovery at the steel mills	193
DePasquale	Bill No. 2305 - Establishing an Infrastructure Trust Fund	202
DePasquale	Bill No. 2434 - Additional benefits to Beneficiaries of Policemen's, Firemen's and Municipal Pension Fund/not including the Insurance policy	207

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 2531 - Supporting a Central Relocation Agency to develop an independent program for the City.	226
DePasquale	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	229
DePasquale	Public hearing regarding the major stock transaction between Warner-Amex and the Pirate ballclub	237
DePasquale	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects .	246
DePasquale	Bill No. 2569 - Recognizing N.A.A.C.P. members	251
DePasquale	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to delect Section 9.	259
DePasquale	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	270
DePasquale	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	283
DePasquale	Bill No. 2634 - "Woman of the Month" presented to Bosanka Evosevic	294
DePasquale	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote No	301
DePasquale	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	315
DePasquale	Community Action Pittsburgh - (CAPI)	324
DePasquale	McDermott, Paul to attend Wednesday 3-1 meeting to explain waiver of residency	327
DePasquale	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	332

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	342
DePasquale	Motion to recommit Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations and carry-over of monies to certain code accounts	359
DePasquale	Bill No. 2532 - Agreement for Architect and Engineering Services for the Fire Department headquarters renovation/ Negative Recommendation/Vote no	370
DePasquale	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote no	372
DePasquale	Bill Nos. 2627 and 2692 - Subpeona to James Simms and Louise Brown - Legal opinion delivered	433
DePasquale	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation	447
DePasquale	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	579
DePasquale	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	599
DePasquale	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	608
DePasquale	Excusing Mr. Stone's absense	623
DePasquale	Bill No. 2929 - CAP's unemployed personnel	626
DePasquale	One minute of silent prayer and meditation to remember Jack Walsh	651
DePasquale	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	660
DePasquale	Excusing Mr. Robinson's absense	671
DePasquale	Bill No. 3022 - Proclaiming May 18, as "Variety Club Law Enforcement Day"	672

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Silent prayer requested by Mr. Givens for the condition of the world	697
DePasquale	Zamma Road property	762
DePasquale	Congratulating Mr. Stone on being elected Vice President of the National Association of Regional Counsels	767
DePasquale	Bill No. 3029 - Agreement with Port Authority for Hill District and Oakland Loop Bus	780
DePasquale	Bill No. 3178 - Mellon Bank's freeze of the funds for United Steel Workers wages	787
DePasquale	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	844
DePasquale	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	857
DePasquale	Bill No. 3276 - Commending Mayor Caliguiri for his heroic actions which averted a serious tragedy in the Hazelwood Community	863
DePasquale	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	874
DePasquale	Bill No. 3268 - Warner Cable Corp. requested rate increase	888
DePasquale	Welcoming group of Francophile Africans	913
DePasquale	Excusing Mr. Stone	934
DePasquale	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Remarks 6-22	954
DePasquale	Bill No. 3354 - Honoring the life and accomplishments of the Honorable Thomas A. Harper	982
DePasquale	Bill No. 3376 - Regulations for promoters and preformers in the City of Pittsburgh	1018

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1047
DePasquale	Bill No. 3432 - Interim Approval of payment in the amount of 4,400.00 for repairs to a back-hoe loader	1074
DePasquale	Bill No. 3546 - Commemorating August 6, 1983 in remembrance of Hiroshima	1093
DePasquale	Bill No. 3547 - Discouraging the use of public facilities by performers and promoters who show disregard for commonly accepted standards of behavior	1095
DePasquale	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1109
DePasquale	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1124
DePasquale	Bill No. 3549 - Appointment of Deborah Comay to Magistrate of City Court Hold one week	1127
DePasquale	Parking availabilty on the side of the City-County Bldg.	1128
DePasquale	City's payment of debt services for Three River's Stadium	1130
DePasquale	Bill No. 3366 - General Obligation Bonds in the principal amount of \$90,000,000.00 and Bill No. 3367 - General Obligation Bonds in the principal amount of \$90,000,000.00, to be sold on or about August 4, 1983	1150
DePasquale	Bill No. 3497 - Support our Neighborhood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1183

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 2262 - Agreement with Joseph M. Mazzei, M.D. for the Civil Service entrance and promotional exam/Amending Resolution 34/83	1218
DePasquale	Bill No. 3626 - Interim Approval to Moore Business Forms, Inc. in the amount of 518.18 for preliminary work on tax forms	1219
DePasquale	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds	1221
DePasquale	Letter to President Reagen regarding Nuclear Safety and other threats to the world	1226
DePasquale	Requesting Stadium Employees to be City residents	1228
DePasquale	Plant Closing Legislation Attorney Joseph S. Hornack	1247
DePasquale	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1321
DePasquale	Local Energy Offical Conference report	1327
DePasquale	Vacancy of the Fifth Ave. High School Building, 3rd Ward	1348
DePasquale	House Bill 229 - Income eligibility for property tax and rent rebate program/Letters of support/Vote No	1354
DePasquale	Bill No. 3748 - Transferring \$28,750.00 from CA 1063 - Misc. Services to CA 1066 - Equipment	1363
DePasquale	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1369

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 3838 - Requiring the present list of police officers not be removed until all objections are resolved by the courts or the Personnel Appeals Board	1384
DePasquale	Bill No. 3867 - Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1391
DePasquale	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1394
DePasquale	Reserving the right to vote later upon excusal from the meeting	1409
DePasquale	Requesting that the hearing to discuss psychological test be televised	1411
DePasquale	Post Agenda item with Warner Cable relative to televising Council's meetings	1412
DePasquale	Recognizing guests from the American Governmental System	1433
DePasquale	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1445
DePasquale	Bill No. 3982 - Commending the Bloomfield Citizens Council and President John Giancola and past officer Janet Scuillion for their hard work in the organization of the annual Halloween Parade	1456
DePasquale	Bill No. 3942 - Setting wages at 100.00 for the Members of the Personnel Appeals Board beginning 1-1-84	1461
DePasquale	Bill No. 3843 - Extra payment to J-Jac Construction/Change vote from aye to abstaining	1471
DePasquale	Bill No. 4005 - Congratulating the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary	1474
DePasquale	Bill No. 4004 - Welcoming the National Federation of the Blind of Pennsylvania to Pittsburgh	1475 -

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 4008 - Warrant to J-Jac Construction Company in the amount of 15,881.50/Abstaining	1537
DePasquale	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcholic Recovery Center	1540
DePasquale	Bill No. 4145 - Urging the administration of the City of Pgh. to appropriate funds to assist Lemington Center	1574
DePasquale	Requesting a public hearing on the Mayor's proposal for a Water Authority	1584
DePasquale	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1592
DePasquale	Letter to the Mayor/8-2-83 and 9-20-83	1617
DePasquale	Public hearing on the creation of the Water Authority will be held Thursday, January 19, 1984 at 10:00 A.M.	1623
DePasquale	Bill No. 4156 - Lemington Home for Aged Cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	1633
DePasquale	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1637
DePasquale	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1643
DePasquale	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1660
DePasquale	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1673

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
DePasquale	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots/ Council's remarks from 12-14	1676
DePasquale	Excusing his tardiness	1707
DePasquale	Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84 and; Bill No. 4100 - Capital Budget and CDBG Adopting and approving for the City of Pittsburgh beginning 1-1-84	1720
DePasquale	Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84/Remarks from Council 12-21-83	1723
DePasquale	Farewell to City Council Colleagues .	1743
DePasquale	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1751
Emenecker	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	27
Emenecker	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	600
Emenecker	Cablecast of public hearing regarding Warner Cable's rate increase	790

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Fein	Bill No. 3279 - Urging passage of House Bill 362 so that vehicles conform to PA's requirements	868
Fein	Bill No. 3268 - Warner Cable Corp. requested rate increase	888
Flaherty	Bill No. 2273 - George Jacoby as Director, Supplies Department	11
Flaherty	Bill No. 2274 - \$40.00 Voluntary Head Tax.	15
Flaherty	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	32
Flaherty	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	50
Flaherty	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues"	67
Flaherty	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues" introducing Mike Hubbard	68
Flaherty	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues" recognizing Tony Gaines and Justin Smith	68
Flaherty	Bill No. 2265 - Amending the Pittsburgh Code Chapter 521 - Scofflaws redemption or sale by City at public auction in 30 days from date of certified mailing to read from the date of receipt of certified mailing/Remarks from 1-12-83	83
Flaherty	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	94
Flaherty	Bill No. 2297 - Third Ave., Fourth Ave. and Market St., Waterline relay and Bill No. 2298 Lowe St. Bridge Waterline relay/Voting No	106
Flaherty	City property sales increase due to televising or relinquishing of homes due to unemployment	110

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 2416 - Halting all U.S. Military aid and intervention in El Salvador	111
Flaherty	Bill No. 2417 - Inviting the Pitts- burgh Baseball Club and Warner Amex Company to voluntarily make a contribution to the Stadium Authority	117
Flaherty	Bill No. 2445 - Honoring Bev Smith	129
Flaherty	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services Voting No.	139
Flaherty	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	145
Flaherty	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	162
Flaherty	Cablecasting of Council's Post Agenda hearings - Censorship	178
Flaherty	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	188
Flaherty	Bill No. 2305 - Establishing an Infrastructure Trust Fund	202
Flaherty	Bill No. 2434 - Additional benefits to Beneficiaries of Policemen's, Fire- men's and Municipal Pension Fund/not including the Insurance policy	206
Flaherty	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	233
Flaherty	Public hearing regarding the major stock transaction between Warner- Amex and the Pirate ballclub	236
Flaherty	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	247

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to delete Section 9.	262
Flaherty	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	269
Flaherty	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	283
Flaherty	Bill No. 2420 Renovations of various public Buildings in the Department of Lands and Buildings/Report from Daryl Smith	284
Flaherty	Re-appointments requested by Mayor Caliguiri/Will abstain	290
Flaherty	Requesting Warner Cable to submit to council a report on minority stockholders	291
Flaherty	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote Aye	302
Flaherty	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	315
Flaherty	Community Action Pittsburgh - (CAPI)	326
Flaherty	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Motion to waive Rule 8	337
Flaherty	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	355
Flaherty	Bill No. 2532 - Agreement for Architect and Engineering Services for the Fire Department headquarters renovation/Negative Recommendation/Vote no	370
Flaherty	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote aye	372

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM/Rescind subpoena	391
Flaherty	Bill No. 2623 - Establishing a Cable Communication Training and Internship Program for the City of Pittsburgh/Vote No	411
Flaherty	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation	447
Flaherty	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Amendment	469
Flaherty	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Remarks from 3-16-83	471
Flaherty	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program	492
Flaherty	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	500
Flaherty	Bill No. 2681 - Re-opening the 1983 Budget for consideration of all budgetary items presented and approved during 1982/Vote Aye	503
Flaherty	Bill No. 2704 - Bloomfield-Garfield Corp. for physical redevelopment of Penn Ave. retail district/Amend	509
Flaherty	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	525
Flaherty	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Vote Aye	533
Flaherty	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote Aye/Remarks of 3-30-83	538

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 2679 - Amending the Pittsburgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	565
Flaherty	Requesting the municipal study of the Economy League be made public	587
Flaherty	CAP (Community Action Pittsburgh) unemployment problem	590
Flaherty	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	608
Flaherty	McArdle Roadway completion and its affect upon Mt. Washington area	616
Flaherty	Bill No. 2929 - CAP's unemployed personnel	626
Flaherty	Hire a legal consultant	638
Flaherty	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs Remarks 4-27	660
Flaherty	Bill No. 2207 - Amending the Pgh. Code 633 - Dogs and other Animals by establishing a City low cost spay, neuter, and vaccination clinic	712
Flaherty	Community Development Block Grant Funds Approriation	753
Flaherty	Bill No. 3178 - Mellon Bank's freeze of the funds for United Steel Workers wages	786
Flaherty	Cablecast of public hearing regarding Warner Cable's rate increase	789
Flaherty	Bill No. 3039 - Denial of Application For Conditional Use - No. 467 by Ellwest Stereo Theatres, Inc. at 228 Forbes Ave./Remarks 6-8	827
Flaherty	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	839

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 3106 - License to Tom Mistick and Sons for 1130 W. North Ave. and No. 37 Fire Stations - site improvements	853
Flaherty	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	857
Flaherty	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	870
Flaherty	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	873
Flaherty	Bill No. 3268 - Warner Cable Corp. requested rate increase	889
Flaherty	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	948
Flaherty	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto Letter	994
Flaherty	Bill No. 3417 - Farm Worker Day recognized as July 21	1046
Flaherty	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1046
Flaherty	Bill No. 3419 - Council will not support the issue of establishment of additional Group Home or Group Care Facility	1062
Flaherty	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1068
Flaherty	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1082

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 3546 - Commemorating August 6, 1983 in remembrance of Hiroshima	1093
Flaherty	Bill No. 3547 - Discouraging the use of public facilities by performers and promoters who show disregard for commonly accepted standards of behavior	1096
Flaherty	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1110
Flaherty	Parking availability on the side of the City-County Bldg.	1128
Flaherty	City's payment of debt services for Three River's Stadium	1130
Flaherty	Post agenda on the Employment Outreach Program for CAP employees	1133
Flaherty	Garfield Heights Highrise residents fined \$10.00 dollars	1133
Flaherty	Bill No. 3564 - Requesting Bell Telephone to retain the incoming call capacity of pay phones in the Pittsburgh Area	1138
Flaherty	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1163
Flaherty	Bill No. 3497 - Support our Neighborhood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1183
Flaherty	Requesting Stadium Employees to be City residents	1230
Flaherty	Plant Closing Legislation Attorney Joseph S. Hornack	1265
Flaherty	Bill No. 3610 - Amending the Pgh. Code Title 5, Traffic, Chapter 503, Enforcement by adding Section 503.21-Use of speeding time devices	1302

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1320
Flaherty	Bill No. 3638 - Agreements for Consultants for Asbestos Inspections at City Facility	1325
Flaherty	Editorial from KDKA concerning the political signs from the last election	1329
Flaherty	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1374
Flaherty	Bill No. 3837 - Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1381
Flaherty	Bill No. 3838 - Requiring the present list of police officers not be removed until all objections are resolved by the courts or the Personnel Appeals Board	1385
Flaherty	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1394
Flaherty	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1447
Flaherty	Bill No. 3942 - Setting wages at 100.00 for the Members of the Personnel Appeals Board beginning 1-1-84	1461
Flaherty	Bill No. 4004 - Welcoming the National Federation of the Blind of Pennsylvania to Pittsburgh	1475
Flaherty	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1550

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Flaherty	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1607
Flaherty	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1639
Flaherty	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1643
Flaherty	Bill No. 4218 - Appointing a special commission to independently review for all future bond sales	1647
Flaherty	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1674
Flaherty	Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84 and; Bill No. 4100 - Capital Budget and CDBG Adopting and approving for the City of Pittsburgh beginning 1-1-84	1721
Flaherty	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1756
Ford	Bill No. 4006 - Recognizing Police Officer Wm. G. Ford for his display of courage to save the life of a drowning man	1476
Fox	Bill No. 3311 - "Woman of the Month"	932

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Frank	Bill No. 2895 - Proclaiming April 17-23 as "Victims Right Week"	594
Furey	Bill No. 3546 - Commemorating August 6, 1983 in remembrance of Hiroshima	1093
Garasche	Letter relative to the Grant-Liberty Hotel Complex	733
Gerall	Bill No. 3859 - Grant from the Urban Consortium Energy Task Force for the Energy Conservation Projects Model Decision Process Project	1430
Givens	Bill No. 2273 - George Jacoby as Director, Supplies Department	12
Givens	Bill No. 2274 - \$40.00 Voluntary Head Tax - Copy to State Legislature	16
Givens	Bill No. 2273 - George Jacoby as Director, Supplies Department	26
Givens	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	27
Givens	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	56
Givens	Bill No. 1788 - HUD's grant in connection with S. Aiken Offices Urban Development Action Grant Project	82
Givens	Bill No. 2297 - Third Ave., Fourth Ave. and Market St., Waterline relay and Bill No. 2298 Lowe St. Bridge Waterline relay/Voting Aye	108
Givens	Bill No. 2416 - Halting all U.S. Military aid and intervention in El Salvador	113
Givens	Bill No. 2447 - Support of passage of House Bill No. 1/Abstaining	133
Givens	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services/Remarks from 1-26-83	140
Givens	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	156

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	187
Givens	Bill No. 2305 - Establishing an Infrastructure Trust Fund	202
Givens	Bill No. 2434 - Additional benefits to Beneficiaries of Policemen's, Firemen's and Municipal Pension Fund/not including the Insurance policy	207
Givens	Letter requested to the Department of Lands and Buildings concerning the regulation of thermostats	211
Givens	Bill No. 2530 - Recognizing the 30th Anniversary of the Highland Drive Medical Center	225
Givens	Bill No. 2531 - Supporting a Central Relocation Agency to develop an independent program for the City.	226
Givens	Public hearing regarding the major stock transaction between Warner-Amex and the Pirate ballclub	240
Givens	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	249
Givens	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	269
Givens	Re-appointments requested by Mayor Caliguiri/Vote Aye	290
Givens	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote No	303
Givens	McDermott, Paul - waiver of residency time limitation expired	327
Givens	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	331

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	339
Givens	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote no	373
Givens	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation	448
Givens	Bill No. 2651 - Transferring \$3,000.00 from Code Account 1838	468
Givens	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Amendment	472
Givens	Ozanam's RAIT proposal	480
Givens	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program/Remarks 3-9-83	492
Givens	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	502
Givens	Bill No. 2681 - Re-opening the 1983 Budget for consideration of all budgetary items presented and approved during 1982/Vote No/Press Release - 1982 Message to Council	504
Givens	Bill No. 2704 - Bloomfield-Garfield Corp. for physical redevelopment of Penn Ave. retail district/Amend	509
Givens	Bill No. 2818 - World Health Day April 7	516
Givens	Bill No. 2789-A - Setting the wage for members at \$100.00 of the Pgh. Personnel Appeals Board at \$100.00 per diem beginning 1-1-84	520
Givens	Bill No. 2810 - Petition from Pittsburgh's Concerned Citizens regarding lack of Public Safety involved with the Saw Mill Run Blvd. Rock Slide 2-16-83	524

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	526
Givens	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Remarks of 3-30-83	534
Givens	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote No/Remarks of 3-30-83	538
Givens	Cablecast of property sales through the Vacant Lot Committee, URA and Lands and Buildings	550
Givens	Bill No. 2679 - Amending the Pittsburgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	566
Givens	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	583
Givens	Requesting the municipal study of the Economy League be made public	588
Givens	CAP (Community Action Pittsburgh) unemployment problem	590
Givens	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	601
Givens	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	605
Givens	McArdle Roadway completion and its affect upon Mt. Washington area	616
Givens	Bill No. 2929 - CAP's unemployed personnel	626
Givens	Bill No. 2643 - Plant closings/Letter from Mayor Caliguiri 3-27	635
Givens	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	661

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Phoenix Hill Shopping Mall reopening	665
Givens	Bill No. 2967 - To reverse the unjustified decision of the PA Dept. of Environmental Services to close its Pittsburgh Regional Laboratory/ Remarks 4-27	667
Givens	Bill No. 2900 - Agreement for the inspection of Fabricated Structural Steelin connection with the P.J. McArdle Bridge	683
Givens	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall	684
Givens	Bill No. 3048 - Recognizing May 16-21 1983 as "Support Your Child Week"	698
Givens	Bill No. 2207 and 2208 - Amending the Pgh. Code 633 - Dogs and other Animals by establishing a City low cost spay, neuter, and vaccination clinic and an information service	717
Givens	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall/Recommit	719
Givens	Bill No. 2867 - Amending the Pgh. Code Fire - Chapter 803 - Amendments/Letter	729
Givens	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	774
Givens	Bill No. 3029 - Agreement with Port Authority for Hill District and Oakland Loop Bus	779
Givens	Bill No. 3095 - Agreement with Psychological Services for Civil Service entrance and promotional exam/ Remarks 6-1	803
Givens	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	842

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 3119 - Agreement with the Stadium Authority and EMS for Paramedic Services at certain events	850
Givens	Bill No. 3106 - License to Tom Mistick and Sons for 1130 W. North Ave. and No. 37 Fire Stations - site improvements	853
Givens	Bill No. 3218 - Congratulating Father Ronald J. Deegan on his 25th Jubilee of the Priesthood	855
Givens	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	860
Givens	Bill No. 3268 - Warner Cable Corp. requested rate increase	893
Givens	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Remarks 6-22	941
Givens	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	964
Givens	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto Letter	989
Givens	Bill No. 3366 - General Obligation Bonds in the principal amount of \$90,000,000.00 and Bill No. 3367 - General Obligation Bonds in the principal amount of \$90,000,000.00, to be sold on or about August 4, 1983	1150
Givens	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1164
Givens	Bill No. 3528 - Vendors/various in the amount of 29,142.98/Bill No. 3529 - Vendors/various in the amount of 26,887.10/Remarks 8-10	1175

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 3497 - Support our Neighborhood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1183
Givens	Warner Cable Corp. \$53 million debt service/Report on Bond Issue	1202
Givens	Clerical error in Bill presentations	1220
Givens	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds	1220
Givens	Post Agenda with the Housing Authority and the Commission on Human Relations	1227
Givens	Plant Closing Legislation Attorney Joseph S. Hornack	1245
Givens	Bill No. 3720 - Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1275
Givens	Bill No. 3623 - Agreement with Hospitals and Physicians for the Civil Service entrance and promotional exam	1286
Givens	Bill Nos. 3663, 3664, 3665, and 3666 - Transfer of monies to the General Fund/Remarks 9-14	1290
Givens	Bill No. 3592 - Purchase of property on Bly St./28-30 and Brahm St./155 Amending Resolution 1023/82	1297
Givens	Bill No. 3596 - Vacating Frost Way in the 20th Ward	1315
Givens	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1323
Givens	Editorial from KDKA concerning the political signs from the last election	1330
Givens	House Bill 229 - Income eligibility for property tax and rent rebate program/Letters of support/Vote Aye	1353

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1367
Givens	Bill No. 3837 - Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1380
Givens	Bill No. 3838 - Requiring the present list of police officers not be removed until all objections are resolved by the courts or the Personnel Appeals Board	1383
Givens	Bill No. 3867 - Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1391
Givens	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1396
Givens	Voting aye on all bills in Committees on Finance, Public Works, and Planning, Housing and Development	1408
Givens	Requesting that the hearing to discuss psychological test be televised	1411
Givens	Post Agenda item with Warner Cable relative to televising Council's meetings	1413
Givens	Bill No. 3912 - Congratulating Sons of Columbus of America Gen. E. DePinedo-John Mascio Council No. 29 on its 50th Anniversary	1420
Givens	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1444
Givens	Bill No. 3982 - Commending the Bloomfield Citizens Council and President John Giancola and past officer Janet Scuillion for their hard work in the organization of the annual Halloween Parade	1456

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 4005 - Congratulating the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary	1474
Givens	Bill No. 3853 - Professional study of Police Officers, Firefighters and EMS/Vote recorded incorrectly	
	Vote No/Remarks 10-26	1480
Givens	Requesting a change in the Municipal Record of 10-24-83/Vote on Cable Companies	1491
Givens	The death of Lloyd McBride	1492
Givens	Who is authorized to put in parking meters in City Streets	1493
Givens	Requesting Lou Gaetano, Ron Schmeiser, and George Charlton to discuss parking meters on Penn Ave.	1525
Givens	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1541
Givens	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1592
Givens	Bill No. 4108 - Agreement with Gates, Mcdonald and Co. for the City's liabilities under the PA Unemployment Compensation Fund	1603
Givens	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1609
Givens	Bill No. 4082 - Agreement with URA for Administration of the Liberty Center	1614
Givens	Letter to the Mayor/8-2-83 and 9-20-83	1619
Givens	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1641
Givens	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1643

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Givens	Bill No. 4218 - Appointing a special commission to independently review for all future bond sales	1647
Givens	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1674
Givens	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1716
Givens	Bill No. 4199 - Amending the Pgh. Code Title 01 - Administration, by changing duties of various departments	1732
Givens	Farewell to Eugene P. DePasquale, President of Council	1742
Givens	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensatation for officers and employees of the City of Pittsburgh beginning 1-1-84	1753
Green	Bill No. 2819 - Honoring the Continental Society Inc.	517
Hall	Bill No. 2634 - "Woman of the Month" presented to Bosanka Erosevic	294
Hall	Bill No. 3311 - "Woman of the Month" presented to Ms. Alma Speed Fox	933
Hawkins	Bill No. 3981 - Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1455
Hornack	Plant Closing Legislation Attorney Joseph S. Hornack	1247
Hotujec	Bill No. 2783 - "Woman of the Month"	483
Hubbard	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues"	68

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Jacoby	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	877
Johnson	Bill No. 3839 - Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1357
Lackner	Bill No. 3981 - Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1454
Larcovic	Bill No. 2783 - "Woman of the Month"	483
Lawrence	Bill No. 4237 - Urging the management of Grand Concourse Restaurant make a good faith effort to negotiate with their striking employees	1662
Lee, Mamie	Bill No. 2567 - "Black Senior Citizens Week" February 20-27/Acceptance	244
Levine	Bill No. 3869 - Declaring the week of October 17 -22, 1983 "Nuclear Awareness Week"	1390
Lucas	Bill No. 2488 - Recognizing February as Afro-American History Month	184
Maddoff	Bill No. 2532 - Agreement for Architect and Engineering Services for the Fire Department headquarters renovation/ Negative Recommendation/Vote aye	370
Madigan	Bill No. 3867 - Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1391
Madoff	Bill No. 2273 - George Jacoby as Director, Supplies Department	12
Madoff	Bill No. 2274 - \$40.00 Voluntary Head Tax.	14
Madoff	Cable legislation	16
Madoff	Bill No. 2323 - "Woman of the Month" presented to Therese Rocco	17
Madoff	Bill No. 2323 - "Woman of the Month"	17
Madoff	Introduction of Jean Starr, Chair of the Women's Political Caucus of Allegheny County	18
Madoff	Introduction of Mayor Caliguiri	18

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 2294 - Voluntary Head Tax	23
Madoff	Bill No. 2273 - George Jacoby as Director, Supplies Department	26
Madoff	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings.	26
Madoff	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	28
Madoff	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	49
Madoff	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	89
Madoff	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	94
Madoff	Bill No. 2297 - Third Ave., Fourth Ave. and Market St., Waterline relay and Bill No. 2298 Lowe St. Bridge Waterline relay	106
Madoff	City property sales increase due to televising or relinquishing of homes due to unemployment	110
Madoff	Bill No. 2416 - Halting all U.S. Military aid and intervention in El Salvador/Introduction of state- ment from Professor Beverly	114
Madoff	Bill No. 2417 - Inviting the Pitts- burgh Baseball Club and Warner Amex Company to voluntarily make a contribution to the Stadium Authority	121
Madoff	Bill No 2418 - Identify and specify the proposed 12th Ward Multi-Purpose Recreational Facility Project in the first City of Pittsburgh bond issue for 1983	124
Madoff	Bill No. 2445 - Honoring Bev Smith	130
Madoff	Bill No. 2446 - Recognizing Officer Vic Cianca	131
Madoff	Bill No. 2447 - Support of passage of House Bill No. 1	134

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Motion to Suspend Rule 8 on the 48 hour mailing on all Resolutions and Ordinances/Roll call vote	139
Madoff	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services Voting No.	141
Madoff	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	145
Madoff	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	161
Madoff	Bill No. 2362 - Office equipment and furniture for the Fire Department	171
Madoff	Cablecast of Council's Post Agenda hearings	177
Madoff	Bill No. 2486 - "Declaring the week of February 7 as "Phyllis Hymen Week"	181
Madoff	Bill No. 2487 - Proclaiming February 6-13 as "Crime Prevention Week"	183
Madoff	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	187
Madoff	Bill No. 2490 - A Formal Invitation to President Ronald Reagan to visit Pittsburgh to show sprouts of recovery at the steel mills	193
Madoff	Bill No 2460 - Interim approval for 1,006.81 to repair a back-hoe	195
Madoff	Bill No. 2475 - Supplementing Ordinance 28/78, "Providing for participation programs for minorities and woman in business development," by providing for penalties for failure to comply.	198
Madoff	Bill No. 2305 - Establishing an Infrastructure Trust Fund	199
Madoff	Bill No. 2434 - Additional benefits to Beneficiaries of Policemen's, Fire- men's and Municipal Pension Fund/not including the Insurance policy	206

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Final reading on water meters available for a \$15.00 service charge	211
Madoff	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	228
Madoff	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emission testing to allow Judge Bechtle to release fund for federally aided projects	246
Madoff	Bill No. 2569 - Recognizing N.A.A.C.P. members	252
Madoff	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to delete Section 9.	259
Madoff	Bill No. 2461 - Warrant to Ram Construction Co. in the amount of 1,385.60 for work preformed at the Pittsburgh Zoo/Voting No	266
Madoff	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	275
Madoff	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	283
Madoff	Bill No. 2420 Renovations of various public Buildings in the Department of Lands and Buildings/Report from Daryl Smith	284
Madoff	Requesting an updated list of all boards and commissions and who serves as members	289
Madoff	Bill No. 2634 - "Woman of the Month" presented to Bosanka Ebosevic	293
Madoff	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote Aye	301

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 2516 - Lease Jones Law Bldg 1st floor at the cost of \$50,000.00 for CETA Summer Youth Employment Program	308
Madoff	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	314
Madoff	Bill No. 2635 - Appointing Michelle Madoff to the Commission on Human Relations/Declining Appointment	320
Madoff	Community Action Pittsburgh - (CAPI)	324
Madoff	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	333
Madoff	Bill No. 2572 - Appointment of Wallace Merrell to the Board of Code Review/Abstaining	342
Madoff	Motion to recommit Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations and carry-over of monies to certain code accounts	358
Madoff	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote aye	373
Madoff	Bill No. 2681 - 1983 Budget Re-opening	377
Madoff	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM	389
Madoff	Bill No. 2655 - Amending Resolution 1383/82 - Appropriations by increasing the Deed Transfer Tax revenue estimate Vote Aye	407
Madoff	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Amend to allow four (4) additional months	415
Madoff	Preparation of an Ordinance providing for security in parking garages	421
Madoff	Bill No. 2627 and 2692 - Subpeona to James Simms and Louise Brown - Legal opinion delivered	443

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Amendment	472
Madoff	Information on transfer of monies	480
Madoff	Bill No. 2783 - "Woman of the Month" presented to Lena Hotujec and Rose Larcovic	481
Madoff	Bill No. 2765 - Mercy Hospital of Pittsburgh to construct private hospital heliport in the 1st Ward	487
Madoff	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program	491
Madoff	48 hour mailing on all Resolutions and Ordinances	495
Madoff	Bill No 2671 - Warrant to Scott Brothers Equipment for the repair of a back-hoe loader	496
Madoff	Bill No. 2679 - Motion to reconsider the issue that deals on minority-controlled financial institutions	497
Madoff	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions/ Legal Opinion	500
Madoff	Bill No. 2789-A - Setting the wage for members at \$100.00 of the Pgh. Personnel Appeals Board at \$100.00 per diem beginning 1-1-84	518
Madoff	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	524
Madoff	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote Aye	538
Madoff	Cablecast of property sales through the Vacant Lot Committee, URA and Lands and Buildings	549
Madoff	Change process of video game licensing to the location rather than the device	553

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 2679 - Amending the Pittsburgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	564
Madoff	Requesting the municipal study of the Economy League be made public	585
Madoff	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	599
Madoff	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	601
Madoff	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	609
Madoff	McArdle Roadway completion and its affect upon Mt. Washington area	616
Madoff	Bill No. 2929 - CAP's unemployed personnel	628
Madoff	Hire a legal consultant	637
Madoff	Warner Cable Corp. financial errors	648
Madoff	Purchasing used equipment	649
Madoff	Rat infestation in the downtown area	649
Madoff	Bill No. 2966 - Commending the Veteran Police Association	652
Madoff	Bill No. 2935 - Contract for E. Sycamore St. Hillside Stabilization	654
Madoff	Bill No. 2940 - Committee to assist in purchase of used equipment	655
Madoff	Small claims (\$750.00) - Breakdown of various departments	658
Madoff	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	660
Madoff	Bill No. 2967 - To reverse the unjustified decision of the PA Dept. of Environmental Services to close its Pittsburgh Regional Laboratory/ Remarks 4-27	667

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3006 - Warrant to Eva R. Mars for 1,409.25 for property damage from the Highland Park Reservoir	677
Madoff	Bill No. 2900 - Agreement for the inspection of Fabricated Structural Steelin connection with the P.J. McArdle Bridge	682
Madoff	Bill No. 2859 - Act No. 514 of 1947 Involving property on Zena Road	693
Madoff	Warner Cable Corp. financial errors	695
Madoff	Bill No. 3049 - Commending Pgh. Action Against Rape	701
Madoff	Bill No. 3033 - Warrant to James L. Smith Insurance Agency in the amount of 3,000.00	708
Madoff	Bill No. 2207 - Amending the Pgh. Code 633 - Dogs and other Animals by establishing a City low cost spay, neuter, and vaccination clinic	713
Madoff	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall/Recommit	719
Madoff	Bill No. 2949 and 2950 - Agreement with the Clean Cities Committee to employ economically disadvantaged youth	722
Madoff	"Must Hike Taxes or Cut Services, City Says" - article in Pittsburgh Press	736
Madoff	Bill No. 3012 - Design of the Law Department entranceway/Remarks 5-18	747
Madoff	Community Development Block Grant Funds Appropriation	756
Madoff	Petition from the Shady Lane Improvement Council/Hearing 6-28	761
Madoff	Zamma Road property	762
Madoff	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City/Override Veto	771

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 2995 - Independent Living Center for the study of wheelchair accessability in the Downtown and Oakland area	778
Madoff	Bill No. 3030 - Agreement with URA Decreasing the amount allocated for the Hill District Project Area Committee	782
Madoff	Letter from Maribeth Salley concerning clean-up of campaign posters	783
Madoff	Warner Cable's rate hike hearing in Post Gazette	784
Madoff	Bill No. 3178 - Mellon Bank's freeze of the funds for United Steel Workers wages	785
Madoff	Bill No. 3095 - Agreement with Psychological Services for Civil Service entrance and promotional exam/ Remarks 6-1	807
Madoff	Bill No. 3071 - Contract for Flow Recorders/14	814
Madoff	Bill No. 3129 - Transfer of 30,000.00 from CA 1146 to CA 1128	824
Madoff	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	839
Madoff	Bill No. 3119 - Agreement with the Stadium Authority and EMS for Paramedic Services at certain events	850
Madoff	Bill No. 3106 - License to Tom Mistick and Sons for 1130 W. North Ave. and No. 37 Fire Stations - site improvements	853
Madoff	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	856
Madoff	Bill No. 3276 - Commending Mayor Caliguiri for his heroic actions which averted a serious tragedy in the Hazelwood Community	863

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3279 - Urging passage of House Bill 362 so that vehicles conform to PA's requirements	868
Madoff	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	869
Madoff	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	872
Madoff	Bill No. 3268 - Warner Cable Corp. requested rate increase	888
Madoff	Bill No. 3268 - Warner Cable Corp. requested rate increase	893
Madoff	Bill No. 3187 - Contract for purchase of Litter Can Receptacles/Remarks 6-15	922
Madoff	Bill from Wheel and Rim Sales Co. in the amount of \$424.00/Overdue	929
Madoff	Bill No. 3311 - "Woman of the Month" presented to Ms. Alma Speed Fox	932
Madoff	Bill No. 3312 - Station security police round the clock at the City's reservoirs	934
Madoff	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	949
Madoff	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	960
Madoff	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto Letter	992
Madoff	Bill No. 3220 - Various public building renovations/Vote No	1012
Madoff	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1049

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3419 - Council will not support the issue of establishment of additional Group Home or Group Care Facility	1062
Madoff	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1070
Madoff	Bill No. 3432 - Interim Approval of payment in the amount of 4,400.00 for repairs to a back-hoe loader	1073
Madoff	Bill No. 3442 - Rescinding Resolution No. 904/82 for the execution of land by and between URA and Seldom Seen Associates in the 19th and 20th Wards of the City of Pgh.	1076
Madoff	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1080
Madoff	Bill No. 3452 - Urging the Caliguiri Administration to help fund regional exercise facilities starting with No. 5 Police Station/Amendment	1085
Madoff	Bill No. 3545 - Recognizing August 8-13 as "Support Your Child Week"	1090
Madoff	Bill No. 3546 - Commemorating August 6, 1983 in remembrance of Hiroshima	1093
Madoff	Bill No. 3547 - Discouraging the use of public facilities by performers and promoters who show disregard for commonly accepted standards of behavior	1095
Madoff	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1110

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1124
Madoff	Parking availabilty on the side of the City-County Bldg.	1127
Madoff	Bill No. 3549 -Appointment of Deborah Comay to Magistrate of City Court/ Hold one week	1127
Madoff	City's payment of debt services for Three River's Stadium	1129
Madoff	Letter from Equitable Gas regarding negotiations	1132
Madoff	Bill No. 3549 - Appointment of Deborah Comay as Magistrate of City Court	1161
Madoff	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1163
Madoff	Bill No. 3528 - Vendors/various in the amount of 29,142.98/Bill No. 3529 - Vendors/various in the amount of 26,887.10	1173
Madoff	Bill No. 3497 - Support our Neighbor hood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1183
Madoff	Discussion on the incline bridge going to Mt. Washington	1208
Madoff	Discussion on Adult Group Homes	1209
Madoff	Bill No. 2262 - Agreement with Joseph M. Mazzei, M.D. for the Civil Service entrance and promotional exam/Amending Resolution 34/83	1218
Madoff	Bill No. 3626 - Interim Approval to Moore Business Forms, Inc. in the amount of 518.18 for preliminary work on tax forms	1219

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds	1221
Madoff	Unauthorized purchases in the Supplies Dept.	1223
Madoff	Post Agenda on the paving of Fourth Ave. at Grant St.	1224
Madoff	Letter to President Reagen regarding Nuclear Safety and other threats to the world	1226
Madoff	Requesting Stadium Employees to be City residents	1228
Madoff	Labor contracts indicate raise in City Taxes	1242
Madoff	Plant Closing Legislation Attorney Joseph S. Hornack	1249
Madoff	Bill No. 3720 - Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1272
Madoff	Bill No. 3721 - Extending deepest sympathy to the family of Norman Stewart	1272
Madoff	Post Agenda item concerning the staff of the Office of the City Clerk	1281
Madoff	Bill No. 3623 - Agreement with Hospitals and Physicans for the Civil Service entrance and promotional exam/Letter dated 9-15	1285
Madoff	Bill No. 3592 - Purchase of property on Bly St./28-30 and Brahm St./155 Amending Resolution 1023/82	1296
Madoff	Bill No. 3610 - Amending the Pgh. Code Title 5, Traffic, Chapter 503, Enforcement by adding Section 503.21-Use of speeding time devices	1301
Madoff	Bill No. 3763 - "Woman of the Month" presented to Mrs. Helen Schlenke	1308

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3661 - Agreement for Instructors for the training of police recruits/Amending Resolution 357/83	1318
Madoff	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1322
Madoff	Bill No. 3638 - Agreements for Consultants for Asbestos Inspections at City Facility	1325
Madoff	Local Energy Offical Conference report	1327
Madoff	Editorial from KDKA concerning the political signs from the last election	1328
Madoff	Bill No. 3693 - Contract for Duquense Incline Footbridge demolition	1341
Madoff	Bill No. 3692 - Agreement with Port Authority to exchange ownership and maintenance of the Duquense Incline Footbridge	1341
Madoff	Psychological testing for police candidates	1349
Madoff	Drugs in the Homewood-Brushton and Frankstown Area/Police protection	1349
Madoff	House Bill 229 - Income eligibility for property tax and rent rebate program/Letters of support	1351
Madoff	Bill No. 3839 - Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1356
Madoff	Bill No. 3748 - Transferring \$28,750.00 from CA 1063 - Misc. Services to CA 1066 - Equipment	1362
Madoff	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1370
Madoff	Bill No. 3837 - Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1383

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3838 - Requiring the present list of police officers not be removed until all objections are resolved by the courts or the Personnel Appeals Board	1384
Madoff	Bill No. 3869 - Declaring the week of October 17 - 22, 1983 "Nuclear Awareness Week"	1390
Madoff	Bill No. 3867 - Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1391
Madoff	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1392
Madoff	Reserving the right to vote later upon excusal from the meeting	1408
Madoff	Bill No. 3777 - Contract for Tree Planting Program at various location	1408
Madoff	Requesting that the hearing to discuss psychological test be televised	1411
Madoff	Post Agenda item with Warner Cable relative to televising Council's meetings	1412
Madoff	Solicitation of Kool Cigarettes on the corner of 4th and Wood causing a litter problem	1415
Madoff	Bill No. 3859 - Grant from the Urban Consortium Energy Task Force for the Energy Conservation Projects Model Decision Process Project	1430
Madoff	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1446
Madoff	Bill No. 3942 - Setting wages at 100.00 for the Members of the Personnel Appeals Board beginning 1-1-84	1461
Madoff	Bill No. 4006 - Recognizing Police Officer Wm. G. Ford for his display of courage to save the life of a drowning man	1476

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 3878 and 3879- Agreement with Gannett, Fleming Engineer for the Inspection of Panther Hollow Bridge/Reminder to Lou Gaetano	1485
Madoff	Bill No. 3447 - Amending the Pgh. Code, Title 9 - Zoning, Chapter 993 - Exceptions, by requiring the sponsor to file bi-annually with the Bureau of Building Inspection	1487
Madoff	Bill No. 3956 - Purchase of Microfilm Equipment for the Dept. of EMS	1489
Madoff	The death of Lloyd McBride	1492
Madoff	Arbitrator for contracts for the Police and Fire departments	1495
Madoff	Hearing with Legislators scheduled after the 1:00 P.M. meeting, Wed. November 9, 1984	1498
Madoff	Bill No. 4008 - Warrant to J-Jac Construction Company in the amount of 15,881.50	1537
Madoff	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1546
Madoff	Requesting a public hearing on the Mayor's proposal for a Water Authority	1584
Madoff	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1593
Madoff	Bill No. 4068 - Transferring 4,300.000.00 from the Water Fund to the General Fund/Typographical error	1598
Madoff	Bill No. 4108 - Agreement with Gates, Mcdonald and Co. for the City's liabilities under the PA	1602
Madoff	Unemployment Compensation Fund	1602
Madoff	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1607

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Letter to the Mayor/8-2-83 and 9-20-83	1617
Madoff	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1637
Madoff	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1644
Madoff	Bill No. 4218 - Appointing a special commission to independently review for all future bond sales	1647
Madoff	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1656
Madoff	Bill No. 4219 - Warrant to Sylvester Sell and Otis Wesley in the amount of \$1,000.00 for clothing allowance for the year 1983	1663
Madoff	Bill No. 4126 - Warrant to Ram Construction Company in the amount of \$145,000.00/Letter to Tony Picadio	1666
Madoff	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1672
Madoff	Excusing her tardiness	1707
Madoff	Bill No. 4233 - Approving the collective bargaining agreement between Firefighters Local No. and the City of Pittsburgh	1707
Madoff	Personnel Appeals Board wage increase	1712
Madoff	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1712

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Madoff	Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84 and; Bill No. 4100 - Capital Budget and CDBG Adopting and approving for the City of Pittsburgh beginning 1-1-84	1721
Madoff	Unions and binding arbitration procedure	1741
Madoff	Farewell to Eugene P. DePasquale, President of Council	1743
Madoff	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1751
Madoff	\$25.00 (dollars) across the board for pensioners	1815
Marlene	Bill No. 3049 - Commending Pgh. Action Against Rape	703
Mascio	Bill No. 3912 - Congratulating Sons of Columbus of America Gen. E. DePinedo-John Mascio Council No. 29 on its 50th Anniversary	1420
Masloff	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	39
Masloff	Bill No. 2417 - Inviting the Pittsburgh Baseball Club and Warner Amex Company to voluntarily make a contribution to the Stadium Authority	119
Masloff	Bill No. 2447 - Support of passage of House Bill No. 1	134

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Masloff	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	230
Masloff	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	247
Masloff	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote No	306
Masloff	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	319
Masloff	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote no	373
Masloff	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation	448
Masloff	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	528
Masloff	Warner Cable Corp. financial errors	648
Masloff	Warner Cable Corp. financial errors and 1100 Grandview Avenue report	666
Masloff	Bill No. 3022 - Proclaiming May 18, as "Variety Club Law Enforcement Day"	672
Masloff	Zamma Road property	762
Masloff	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	870
Masloff	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	877
Masloff	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Vote Aye	1000
Masloff	Bill No. 3376 - Regulations for promoters and preformers in the City of Pittsburgh	1019

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Masloff	Major hospitals in the City burdened by the effects of the strike of the Laundry workers	1031
Masloff	Bill No. 3452 - Urging the Caliguiri Administration to help fund regional exercise facilities starting with No. 5 Police Station	1085
Masloff	Bill No. 3538 - Petition from Pitts- burgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1117
Masloff	City's payment of debt services for Three River's Stadium	1130
Masloff	Bill No. 3565 - Commemorating the 20th Anniversary of Dr. Martin Luther King's historic "March on Washington" - August 27, 1983	1137
Masloff	Post Agenda with the Housing Authority and the Commission on Human Relations	1227
Masloff	Requesting Stadium Employees to be City residents	1230
Masloff	Plant Closing Legislation Attorney Joseph S. Hornack	1269
Masloff	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1373
Masloff	Bill No. 3777 - Contract for Tree Planting Program at various location	1408
Masloff	Requesting that the hearing to discuss psychological test be televised	1411
Masloff	Solicitation of political literature causing a litter problem	1415
Masloff	Bill No. 3981 - Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1455

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Masloff	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1560
Masloff	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant- Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1609
Masloff	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1661
Masloff	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1674
Masloff	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1718
Masloff	Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; Bill No. 4099 - Salaries and the rate of compensatation for officers and employees of the City of Pittsburgh beginning 1-1-84 and; Bill No. 4100 - Capital Budget and CDBG Adopting and approving for the City of Pittsburgh beginning 1-1-84	1720
McManus	Bill No. 4004 - Welcoming the National Federation of the Blind of Pennsylvania to Pittsburgh	1475
McNamara	Bill No. 2966 - Commending the Veteran Police Association	652
McNamara	Bill No. 3721 - Extending deepest sympathy to the family of Norman Stewart	1272
Monfredo	Bill No. 3544 - Recognizing August 3, as Paralyzed Veterans of Amercia Recognition Day	1089

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Mulvihill	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application Letter dated 1-6-83	54
Murock	Bill No. 3564 - Requesting Bell Telephone to retain the incoming call capacity of pay phones in the Pittsburgh Area	1138
Neal	Bill No. 3981 - Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1454
Nee	Bill No. 4005 - Congratulating the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary	1474
Nolan	Bill No. 3720 - Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1272
Noonan	Letter dated 2-28-83 concerning the tax status of URA property sales	312
O'Brien	Bill No. 4237 - Urging the management of Grand Concourse Restaurant make a good faith effort to negotiate with their striking employees	1656
O'Malley	Bill No. 2274 - \$40.00 Voluntary Head Tax	15
O'Malley	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	34
O'Malley	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	49
O'Malley	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	57
O'Malley	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues" recognizing Sam Shapiro	69
O'Malley	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	100
O'Malley	Introduction of Officer Vic Cianca	131

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 2447 - Support of passage of House Bill No. 1/Voting Aye	134
O'Malley	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	141
O'Malley	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	149
O'Malley	Cablecasting of Council's Post Agenda hearings	178
O'Malley	Bill No. 2487 - Proclaiming February 6-13 as "Crime Prevention Week"	182
O'Malley	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	189
O'Malley	Bill No. 2305 - Establishing an Infrastructure Trust Fund	200
O'Malley	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	232
O'Malley	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects/Vote Aye	247
O'Malley	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to delect Section 9.	258
O'Malley	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	269
O'Malley	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	283
O'Malley	Re-appointments requested by Mayor Caliguiri/Vote Aye	290
O'Malley	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote Aye	303

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 2635 - Appointing Michelle Madoff to the Commission on Human Relations/Declining Appointment	321
O'Malley	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	338
O'Malley	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	352
O'Malley	Motion to recommit Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations and carry-over of monies to certain code accounts	364
O'Malley	Bill No. 2547 - Investigation of procedures for business opportunities for minorities and woman pursuant to the Home Rule Charter/Negative Recommendation	366
O'Malley	Motion to recommit Bill Nos 2559 and 2560 - Submitting to PA Department of Community Affairs for financial assistance with the North Shore Re-development Project/Vote no	368
O'Malley	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote aye	374
O'Malley	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM/Rescind subpoena	387
O'Malley	Bill No. 2621 - Enforcement of Article 3 of HRC, Section 307 - Assigning a minimum of three (3) members to each Committee/Legal opinion	401
O'Malley	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Amend to allow four (4) additional months	414
O'Malley	Bill No. 2818 - World Health Day April 7	516
O'Malley	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	524

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Vote Aye	534
O'Malley	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote No	538
O'Malley	Bill No. 2679 - Amending the Pitts- burgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	564
O'Malley	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	582
O'Malley	Bill No. 2889 - Petition from Pitts- burgh residents concerning Warner Cable Corp.'s rate increase	601
O'Malley	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	610
O'Malley	Bill No. 2929 - CAP's unemployed personnel	625
O'Malley	Hire a legal consultant	638
O'Malley	Bill No. 2966 - Commending the Veteran Police Association	651
O'Malley	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	661
O'Malley	Bill No. 3049 - Commending Pgh. Action Against Rape	701
O'Malley	Community Development Block Grant Funds Appropriation	758
O'Malley	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	775

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 2995 - Independent Living Center for the study of wheelchair accessibility in the Downtown and Oakland area	778
O'Malley	Cablecast of public hearing regarding Warner Cable's rate increase	789
O'Malley	Display ad of public hearing regarding Warner Cable's rate increase	794
O'Malley	Bill No. 3095 - Agreement with Psychological Services for Civil Service entrance and promotional exam	806
O'Malley	Bill No. 3119 - Agreement with the Stadium Authority and EMS for Paramedic Services at certain events	850
O'Malley	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	857
O'Malley	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	869
O'Malley	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	873
O'Malley	Bill No. 3268 - Warner Cable Corp. requested rate increase	894
O'Malley	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Remarks 6-22	951
O'Malley	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	962
O'Malley	Bill No. 3179 - Contract for No. 17 Fire Station Rehabilitation	974
O'Malley	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto Letter	996
O'Malley	Bill No. 3376 - Regulations for promoters and performers in the City of Pittsburgh	1016

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 3344 - Delafield Ave., William Penn Associates lease to purchase for 6 months/Abstaining	1039
O'Malley	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1046
O'Malley	Bill No. 3419 - Council will not support the issue of establishment of additional Group Home or Group Care Facility	1062
O'Malley	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1067
O'Malley	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1082
O'Malley	Bill No. 3452 - Urging the Caliguiri Administration to help fund regional exercise facilities starting with No. 5 Police Station/Amendment	1085
O'Malley	Bill No. 3546 - Commemorating August 6, 1983 in remembrance of Hiroshima	1094
O'Malley	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1110
O'Malley	City's payment of debt services for Three River's Stadium	1131
O'Malley	Letter from Equitable Gas regarding negotiations	1132
O'Malley	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1166

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 3497 - Support our Neighbor hood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1186
O'Malley	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds	1220
O'Malley	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds	1220
O'Malley	Letter to President Reagan regarding Nuclear Safety and other threats to the world	1226
O'Malley	Plant Closing Legislation Attorney Joseph S. Hornack	1259
O'Malley	Bill No. 3720 - Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1272
O'Malley	Bill No. 3721 - Extending deepest sympathy to the family of Norman Stewart	1272
O'Malley	Post Agenda item concerning the staff of the Office of the City Clerk	1282
O'Malley	Bill No. 3623 - Agreement with Hospitals and Physicans for the Civil Service entrance and promotional exam	1285
O'Malley	Bill No. 3610 - Amending the Pgh. Code Title 5, Traffic, Chapter 503, Enforce- ment by adding Section 503.21-Use of speeding time devices	1301
O'Malley	Bill No. 3661 - Agreement for Instructors for the training of police recruits/Amending Resolution 357/83	1318
O'Malley	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1320

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 3839 - Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1357
O'Malley	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1377
O'Malley	Bill No. 3837 - Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1381
O'Malley	Bill No. 3867 - Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1391
O'Malley	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1445
O'Malley	Bill No. 3956 - Purchase of Microfilm Equipment for the Dept. of EMS	1489
O'Malley	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1543
O'Malley	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1607
O'Malley	Bill No. 4156 - Lemington Home for Aged Cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	1632
O'Malley	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1641
O'Malley	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1656
O'Malley	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1673

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
O'Malley	Bill No. 4233 - Approving the collective bargaining agreement between Firefighters Local No. and the City of Pittsburgh	1707
O'Malley	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1713
O'Malley	Farewell to Eugene P. DePasquale, President of Council	1742
O'Malley	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1750
O'Malley	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1757
Ostroff	Bill No. 3048 - Recognizing May 16-21 1983 as "Support Your Child Week"	699
Paarlament	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1109
Paliamment	Letter to the Mayor/8-2-83 and 9-20-83	1618
Palmer	Bill No. 3048 - Recognizing May 16-21 1983 as "Support Your Child Week"	698
Palmer	Bill No. 3545 - Recognizing August 8-13 as "Support Your Child Week"	1091
Parliament	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	147

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Parliament	Bill No. 2679 - Amending the Pittsburgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	561
Parliament	McArdle Roadway completion and its affect upon Mt. Washington area	616
Parliament	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program/Majority vote	844
Parliament	Bill No. 3432 - Interim Approval of payment in the amount of 4,400.00 for repairs to a back-hoe loader	1074
Parliament	Bill No. 3497 - Support our Neighborhood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1186
Parliament	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1644
Parliament	Right to place vote upon excusal from the meeting/Ruling	1409
Pellegrini	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	149
Pellegrini	Legal Opinion on Bill No. 2475 Supplementing Ordinance 28/78, "Providing for participation programs for minorities and woman in business development"	220
Pellegrini	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	335
Pellegrini	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	342
Pellegrini	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM/Can not be held in contempt by Section 808 of HRC	387
Pellegrini	Bill Nos. 2627 and 2692 - Subpeona to James Simms and Louise Brown - Legal opinion delivered	431

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Pellegrini	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1052
Pellegrini	Plant Closing Legislation Attorney Joseph S. Hornack	1255
Pellegrini	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1545
Pellegrini	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1593
Pellegrini	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1751
Pellegrini	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	96
Perry	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings.	26
Perry	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	30
Perry	Bill No. 1788 - HUD's grant in connection with S. Aiken Offices Urban Development Action Grant Project	82
Perry	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	89
Perry	Request by Councilman O'Malley to submit Bill No. 2445 - Honoring Bev Smith	131
Perry	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	163

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Perry	Minority Business Participation Program Report of the United States Steel Project from Reverend Simms	256
Perry	Bill No. 2420 Renovations of various public Buildings in the Department of Lands and Buildings/Report from Daryl Smith	284
Perry	Bill No. 2627 and 2628 - Issuance of a subpoena	301
Perry	Bill No. 2516 - Lease Jones Law Bldg 1st floor at the cost of \$50,000.00 for CETA Summer Youth Employment Program	308
Perry	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	342
Perry	48 hour mailing on all Resolutions and Ordinances	495
Perry	Bill No. 2935 - Contract for E. Sycamore St. Hillside Stabilization	654
Perry	Small claims (\$750.00) - Breakdown of various departments	658
Perry	Bill No. 3006 - Warrant to Eva R. Mars for 1,409.25 for property damage from the Highland Park Reservior	677
Perry	Bill No. 2859 - Act No. 514 of 1947 Involving property on Zena Road	693
Perry	Bill No. 3033 - Warrant to James L. Smith Insurance Agency in the amount of 3,000.00	708
Perry	Bill No. 3538 - Petition from Pitts- burgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1110
Perry	Post Agenda item concerning the staff of the Office of the City Clerk	1281
Perry	Bill No. 3592 - Purchase of property on Bly St./28-30 and Brahm St./155 Amending Resolution 1023/82	1297
Perry	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1394

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Perry	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1555
Perry	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1593
Perry	Bill No. 4068 - Transferring 4,300,000.00 from the Water Fund to the General Fund/Typographical error	1598
Perry	Bill No. 4108 - Agreement with Gates, Mcdonald and Co. for the City's liabilities under the PA Unemployment Compensation Fund	1603
Perry	Bill No. 4219 - Warrant to Sylvester Sell and Otis Wesley in the amount of \$1,000.00 for clothing allowance for the year 1983	1663
Pickering	Bill No. 2380 - Mike Pickering composer of "Steel Mill Blues"	69
Pride	Bill No. 3049 - Commending Pgh. Action Against Rape	701
Pride, A.	Bill No. 2895 - Proclaiming April 17-23 as "Victims Right Week"	594
Rabinowitz	Bill No. 3839 - Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1356
Regan	Bill No. 2488 - Recognizing February as Afro-American History Month	186
Reid	Bill No. 2928 - Recognizing the Negro Educational Emergency Drive on their 20th Anniversary/Acceptance	623
Robinson	Bill No. 2273 - George Jacoby as Director, Supplies Department	9
Robinson	Memo to Mayor Caliguiri dated 12-29-84	10
Robinson	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	33
Robinson	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	49

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	52
Robinson	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application	
	Remarks from 1-5-83	59
Robinson	Unpaid property tax on property being sold by the URA	65
Robinson	Grant-Liberty Associates Development	65
Robinson	Community Action Pittsburgh Memo dated 12-9-84	66
Robinson	Bill No. 1788 - HUD's grant in connection with S. Aiken Offices Urban Development Action Grant Project	82
Robinson	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	96
Robinson	Bill No 2418 - Identify and specify the proposed 12th Ward Multi-Purpose Recreational Facility Project in the first City of Pittsburgh bond issue for 1983	125
Robinson	Bill No 2419 - Support of the Emergency Mortgage Relief Act//Letter from URA dated 1-24-83	126
Robinson	Bill No. 2447 - Support of passage of House Bill No. 1	132
Robinson	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	143
Robinson	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	166
Robinson	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts/Remarks from 1-26-83	166
Robinson	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts/Letter dated 1-25-83 from Homewood-Brushton Residents	169
Robinson	Cablecasting of Council's Post Agenda hearings	178

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 2488 - Recognizing February as Afro-American History Month	183
Robinson	Bill No. 2489 - Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	187
Robinson	Bill No. 2475 - Supplementing Ordinance 28/78, "Providing for participation programs for minorities and woman in business development," by providing for penalties for failure to comply.	198
Robinson	Bill No. 2305 - Establishing an Infrastructure Trust Fund/Remarks from 2-2-83	199
Robinson	Bill No. 2305 - Establishing an Infrastructure Trust Fund	199
Robinson	Bill No. 2531 - Supporting a Central Relocation Agency to develop an independent program for the City.	226
Robinson	Public hearing regarding the major stock transaction between Warner-Amex and the Pirate ballclub	236
Robinson	Bill No. 2567 - "Black Senior Citizens Week" February 20-27/Introduction of Miss Mamie Lee	243
Robinson	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	248
Robinson	Bill No. 2569 - Recognizing N.A.A.C.P. members	251
Robinson	Minority Business Participation Program Report of the United States Steel Project from Reverend Simms	256
Robinson	Importance of Council's request of reports from Department Heads	257
Robinson	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	270

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	282
Robinson	Re-appointments requested by Mayor Caliguiri/Will abstain	290
Robinson	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote Aye	301
Robinson	Bill Nos. 2511, 2512 and 2512 - URA property sales/requesting a tax status statement	311
Robinson	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	317
Robinson	Bill No. 2635 - Appointing Michelle Madoff to the Commission on Human Relations/Declining Appointment	320
Robinson	Community Action Pittsburgh - (CAPI)	323
Robinson	Letters to Dennis, Shirley M., and Mayor Caliguiri concerning Community Action Pittsburgh - (CAPI)	325
Robinson	Bill No. 2664 - Honoring Reverend J.A. Williams	329
Robinson	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	331
Robinson	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	339
Robinson	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM	342
Robinson	Motion to recommit Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations and carry-over of monies to certain code accounts/Vote aye	358
Robinson	Bill No. 2532 - Agreement for Architect and Engineering Services for the Fire Department headquarters renovation/Negative Recommendation/Vote no	370

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 2627 - Subpoena James Simms Document received submitted to City Solicitor for legal opinion	379
Robinson	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM/Remarks	380
Robinson	Bill No. 2621 - Enforcement of Article 3 of HRC, Section 307 - Assigning a minimum of three (3) members to each Committee/Legal opinion	401
Robinson	Bill No. 2654 - Emergency Jobs Program Trust Fund Creation/Remarks of 3-9	403
Robinson	Bill No. 2655 - Amending Resolution 1383/82 - Appropriations by increasing the Deed Transfer Tax revenue estimate Vote No	407
Robinson	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Remarks from 3-9	416
Robinson	Community Action Pittsburgh	421
Robinson	Bill Nos. 2627 and 2692 - Subpeona to James Simms and Louise Brown - Legal opinion delivered	430
Robinson	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation	448
Robinson	Bill No. 2651 - Transferring \$3,000.00 from Code Account 1838	468
Robinson	Bill No. 2250 - Authorizing a pro- fessional study of the Pittsburgh Police Department/Amendment	469
Robinson	Bill No. 2250 - Authorizing a pro- fessional study of the Pittsburgh Police Department/Remarks from 3-18-83	474
Robinson	Community Action Pittsburgh/Letter from Michael A. Donadee dated 3-15	479
Robinson	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program	490

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	497
Robinson	Bill No. 2681 - Re-opening the 1983 Budget for consideration of all budgetary items presented and approved during 1982/Vote Aye/Remarks 3-23-83	505
Robinson	Bill No. 2819 - Honoring the Continental Society Inc.	516
Robinson	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto Remarks of 3-16-83	528
Robinson	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Remarks of 3-30-83	534
Robinson	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote Aye/Remarks of 3-30-83	538
Robinson	Bill No. 2679 - Amending the Pittsburgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	561
Robinson	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	579
Robinson	Requesting the municipal study of the Economy League be made public	588
Robinson	CAP (Community Action Pittsburgh) unemployment problem	590
Robinson	Bill No. 2889 - Petition from Pittsburgh residents concerning Warner Cable Corp.'s rate increase	602
Robinson	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	606
Robinson	Bill No. 2928 - Recognizing the Negro Educational Emergency Drive on their 20th Anniversary	623

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 2929 - CAP's unemployed personnel	630
Robinson	Hire a legal consultant	639
Robinson	Vacancy of Chief Magistrate	647
Robinson	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	662
Robinson	Phoenix Hill Shopping Mall reopening	665
Robinson	Urban Homesteading Program	665
Robinson	Bill No. 3050 - Recognizing the Chadwick Civic League on their 28th Anniversary/History	704
Robinson	Bill No. 2207 - Amending the Pgh. Code 633 - Dogs and other Animals by establishing a City low cost spay, neuter, and vaccination clinic	712
Robinson	Bill No. 2949 and 2950 - Agreement with the Clean Cities Committee to employ economically disadvantaged youth	724
Robinson	Community Development Block Grant Funds Appropriation	753
Robinson	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City/Override Veto	772
Robinson	Bill No. 3032 - Warrant to Moore Business Forms, Inc. in the amount of 6,220.48	776
Robinson	Bill No. 2995 - Independent Living Center for the study of wheelchair accessibility in the Downtown and Oakland area	778
Robinson	Bill No. 3029 - Agreement with Port Authority for Hill District and Oakland Loop Bus	779
Robinson	Bill No. 3030 - Agreement with URA Decreasing the amount allocated for the Hill District Project Area Committee	782

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Cablecast of public hearing regarding Warner Cable's rate increase	791
Robinson	Bill No. 3165 and 3166 - Grant application with HUD for the 1983 CDBG Emergency Jobs Bill Program/ Set hearing	800
Robinson	Bill No. 3095 - Agreement with Psychological Services for Civil Service entrance and promotional exam/ Remarks 6-1	803
Robinson	Bill No. 3129 - Transfer of 30,000.00 from CA 1146 to CA 1128	824
Robinson	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	837
Robinson	Bill No. 3119 - Agreement with the Stadium Authority and EMS for Paramedic Services at certain events	850
Robinson	Bill No. 3219 - Supporting the General Assembly to create a "homesteading and rehab act"	856
Robinson	Bill No. 3277 - "This is your life" Testimonial Banquet on 6-25-83	865
Robinson	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	871
Robinson	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	873
Robinson	Bill No. 3268 - Warner Cable Corp. requested rate increase/Report from the Cable Advisory Committee	884
Robinson	Bill No. 3268 - Warner Cable Corp. requested rate increase	890
Robinson	Bill No. 3203 - Warrant to the U.S. Dept. of Labor in the amount of 4,791.50/Recommit	921

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 3313 - Requesting the Port Authority to consider naming the East Busway in honor of Reverend Martin Luther King, Jr./Remarks on Bill No. 2251/6-22	935
Robinson	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	952
Robinson	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	959
Robinson	Memo from Phychological Services of Pittsburgh relative to the police exam	976
Robinson	Convention Center Hotel Project	978
Robinson	Phoenix Hill Shopping Center/Letter from Paul Brophy dated 6-24	978
Robinson	Bill No. 3354 - Honoring the life and accomplishments of the Honorable Thomas A. Harper	982
Robinson	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Vote Aye	1000
Robinson	Bill No. 3376 - Regulations for promoters and preformers in the City of Pittsburgh	1016
Robinson	David Lawrence Convention Center/Letter concerning the budget	1031
Robinson	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1051
Robinson	Bill No. 3419 - Council will not support the issue of establishment of additional Group Home or Group Care Facility/Letter Commission on Human Relation 7-15	1063

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 3362 - Amending the Pgh. Code Title 10 - Building, Chapter 1043 - Land Operation by adding Section 1043.17 - Undergroud Public Utilities Power and Supply Lines/Memo from Paul Imhoff, Superintendent of Building Insepection	1077
Robinson	Renaming the East Busway in honor of Martin Luther King, Jr./Letter from the Urban League of Pgh. dated 7-19	1086
Robinson	Purchase of property located at 2001 Fifth Ave./Letter from Womanspace East, Inc.	1087
Robinson	Bill No. 3547 - Discouraging the use of public facilities by performers and promoters who show disregard for commonly accepted standards of behavior	1095
Robinson	Bill No. 3538 - Petition from Pitts- burgh residents requesting a hearing on Odinance No. 21/83 - Plant Closing Notification	1118
Robinson	Bill No. 3549 - Appointment of Deborah Comay as Magistrate of City Court/ Remark 8-10	1161
Robinson	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1166
Robinson	Bill No. 3497 - Support our Neighbor hood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1186
Robinson	"Project Need it New Enterprise and Economic Development Initiatives Today"/Report 8-15	1207
Robinson	National Trade Development Conference Report	1242

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Plant Closing Legislation Attorney Joseph S. Hornack	1245
Robinson	Local Energy Official Conference report	1327
Robinson	Resolution No. 540 - Honoring the late Honorable Thomas A. Harpur/Letter	1347
Robinson	Vacancy of the Fifth Ave. High School Building, 3rd Ward	1348
Robinson	Bill No. 3839 - Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1355
Robinson	Bill No. 3836 - Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1373
Robinson	Bill No. 3837 - Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1380
Robinson	Bill No. 3838 - Requiring the present list of police officers not be removed until all objections are resolved by the courts or the Personnel Appeals Board	1385
Robinson	Bill No. 3781 - Limiting the term of office for the Mayor and the Council of the City of Pittsburgh for a term not to exceed three consecutive four years term	1386
Robinson	Bill No. 3786 - Amending the 1982 CDBG Transferring \$53,300.00 from PW 82-31, Arlington Ave. to PW 82-09, Windom St. Slide/Letter from Reginald Young	1404
Robinson	Problems confronting African-Americans in Pittsburgh and Allegheny County	1414
Robinson	Bill No. 3914 - Proclaiming October 31, 1983 as "Halloween Safety Day"	1422
Robinson	Bill No. 3859 - Grant from the Urban Consortium Energy Task Force for the Energy Conservation Projects Model Decision Process Project	1436

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Bill No. 3787 - Grant from HUD for One Thousand California Ave. UDAG/ Letters relative to the subject	1438
Robinson	Correction to the Municipal Minutes, Page 1357	1451
Robinson	Bill No. 3981 - Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1454
Robinson	Withholding resolution concerning URA's audit the UDAG grant to Giant Eagle for their warehouse	1471
Robinson	Economic development in the Hill District	1493
Robinson	Bill No. 4042 - Recognizing the accomplishments of our "Native Son" John Edgar Wideman	1508
Robinson	Bill No. 4042 - Recognizing the accomplishments of our "Native Son" John Edgar Wideman	1526
Robinson	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcholic Recovery Center/Letter from United Mental Health 11-18	1541
Robinson	Post Agenda on the condition of Lemington Center	1570
Robinson	Report from Exico, Inc. concerning the Minority Business Enterprise	1570
Robinson	Condition of Lemington Center	1570
Robinson	Convention Center Hotel and Office Complex	1571
Robinson	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	1594
Robinson	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant- Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1608
Robinson	Report from the Economic Development and Leadership Conference	1620

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Robinson	Report from the National League of Cities Annual Conference	1620
Robinson	Bill No. 4156 - Lemington Home for Aged Cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	1631
Robinson	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1641
Robinson	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1645
Robinson	Bill No. 4218 - Appointing a special commission to independently review for all future bond sales	1650
Robinson	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirements for licensing of open and enclosed lots	1672
Robinson	General Revenue Sharing Program for 1983/ Letter from Wm. Coyne 12-2-83	1704
Robinson	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1761
Robinson	\$25.00 (dollars) across the board for pensioners/Remarks 12-19	1784
Rocco, T. Roddey	Bill No. 2323 - "Woman of the Month" Bill No. 3313 - Requesting the Port Authority to consider naming the East Busway in honor of Reverend Martin Luther King, Jr./Remarks on Bill No. 2251/6-22	19
Rodriguez	Bill No. 2488 - Recognizing February as Afro-American History Month	936
		185

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Rosita	Bill No. 2783 - "Woman of the Month" presented to Lena Hotujec and Rose Larcovic	483
Scherdher	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1084
Schlenke	Bill No. 3763 - "Woman of the Month" presented to Mrs. Helen Schlenke	1308
Simms	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	101
Simms	Bill No. 2627 - Subpoena James Simms to appear before Council at 2:00 PM Swearing In.	342
Sparty	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1661
Starr	Bill No. 2323 - "Woman of the Month" presented to Therese Rocco	18
Stone	Bill No. 2273 - George Jacoby as Director, Supplies Department	10
Stone	Bill No. 2323 - "Woman of the Month" presented to Therese Rocco	18
Stone	Bill No. 2273 - George Jacoby as Director, Supplies Department	25
Stone	Bill No. 2273 - George Jacoby is approved as Director, Supplies Department	26
Stone	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application Remarks from 1-5-83	59
Stone	Bill No. 1788 - HUD's grant in connection with S. Aiken Offices Urban Development Action Grant Project	82
Stone	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	94
Stone	Bill No. 2332 - Vacating Tunnel St. Center Ave. Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	100

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 2297 - Third Ave., Fourth Ave. and Market St., Waterline relay and Bill No. 2298 Lowe St. Bridge Waterline relay	107
Stone	Bill No. 2416 - Halting all U.S. Military aid and intervention in El Salvador	112
Stone	Bill No. 2446 - Recognizing Officer Vic Cianca	131
Stone	Bill No. 2411 - ACTION Mortgage Delinquency Task Force	143
Stone	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	164
Stone	Bill No. 2530 - Recognizing the 30th Anniversary of the Highland Drive Medical Center	225
Stone	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	231
Stone	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	247
Stone	Bill No. 2402 - Community Develop- ment statement for the Community Development Block Grant/1983 - Amendment to delect Section 9.	258
Stone	Bill No. 2461 - Warrant to Ram Construction Co. in the amount of 1,385.60 for work preformed at the Pittsburgh Zoo	266
Stone	Bill No. 2216 - Carrick housing for the Elderly motion to recommit until a public hearing	269
Stone	Bill No. 2472 - Boro of Mt. Oliver by spelling Boro - Borough	284
Stone	Re-appointments requested by Mayor Caliguiri/Call vote	290

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 2634 - "Woman of the Month" presented to Bosanka Evosevic	295
Stone	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote No	301
Stone	Bill No. 2516 - Lease Jones Law Bldg 1st floor at the cost of \$50,000.00 for CETA Summer Youth Employment Program	308
Stone	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	318
Stone	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Motion to waive Rule 8	339
Stone	Motion to recommit Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations and carry-over of monies to certain code accounts/Vote no	358
Stone	Bill No. 2663 - Asking Council to hire a qualified fiscal advisor Vote no	372
Stone	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM	380
Stone	Bill No. 2655 - Amending Resolution 1383/82 - Appropriations by increasing the Deed Transfer Tax revenue estimate Vote aye	407
Stone	Bill No. 2623 - Establishing a Cable Communication Training and Internship Program for the City of Pittsburgh/Vote Aye	411
Stone	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Amend to allow four (4) additional months/Vote no	416
Stone	Bill No. 2627 and 2692 - Subpeona to James Simms and Louise Brown - Legal opinion delivered	442

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation Council Remarks from 3-3-83	449
Stone	Bill No. 2250 - Authorizing a pro- fessional study of the Pittsburgh Police Department/Amendment	470
Stone	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program/Vote No	494
Stone	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	497
Stone	Bill No. 2704 - Bloomfield-Garfield Corp. for physical redevelopment of Penn Ave. retail district/Amend	509
Stone	Bill No. 2789-A - Setting the wage for members at \$100.00 of the Pgh. Person- nel Appeals Board at \$100.00 per diem beginning 1-1-84	518
Stone	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	525
Stone	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Vote No	535
Stone	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote No/ Remarks of 3-30-83	538
Stone	Excused to attend Parking Authority meeting	551
Stone	Bill No. 2679 - Amending the Pitts- burgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions/Remarks	571
Stone	Bill No. 2800 - Grant application with HUD for the Lawrence Paint Building, UDAG Project	610

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 2822 - Agreement with Engineering Mechanics for backfilling of LRT excavation at Liberty Ave. Remarks from 3-20	643
Stone	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	661
Stone	BFI carrying armed weapons in vehicles	666
Stone	Bill No. 2967 - To reverse the unjustified decision of the PA Dept. of Environmental Services to close its Pittsburgh Regional Laboratory/Remarks 4-27	667
Stone	Bill No. 3006 - Warrant to Eva R. Mars for 1,409.25 for property damage from the Highland Park Reservoir	677
Stone	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall	685
Stone	Bill No. 3033 - Warrant to James L. Smith Insurance Agency in the amount of 3,000.00	708
Stone	Bill No. 2207 - Amending the Pgh. Code 633 - Dogs and other Animals by establishing a City low cost spay, neuter, and vaccination clinic	713
Stone	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall/Recommit	719
Stone	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	775
Stone	Bill No. 3064 - Agreement for Engineering Services for the Reconstruction of Arlington Ave./Remarks 6-1	810
Stone	Bill No. 3071 - Contract for Flow Records/14	814

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 3278 - Urging the President of the U.S. to impose restrictions on alloy tool steel for a period of five (5) years	866
Stone	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	872
Stone	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	883
Stone	Bill No. 3268 - Warner Cable Corp. requested rate increase	891
Stone	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Remarks 6-22	954
Stone	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Veto	1001
Stone	Bill No. 3376 - Regulations for promoters and preformers in the City of Pittsburgh	1019
Stone	Major hospitals in the City burdened by the effects of the strike of the Laundry workers	1030
Stone	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1050
Stone	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1069
Stone	Bill No. 3432 - Interim Approval of payment in the amount of 4,400.00 for repairs to a back-hoe loader	1074

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 3442 - Rescinding Resolution No. 904/82 for the execution of land by and between URA and Seldom Seen Associates in the 19th and 20th Wards of the City of Pgh.	1076
Stone	Bill No. 3451 - Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 United Steelworkers of America	1080
Stone	Bill No. 3452 - Urging the Caliguiri Administration to help fund regional exercise facilities starting with No. 5 Police Station	1086
Stone	Bill No. 3366 - General Obligation Bonds in the principal amount of \$90,000,000.00 and Bill No. 3367 - General Obligation Bonds in the principal amount of \$90,000,000.00, to be sold on or about August 4, 1983 Remarks 8-12	1150
Stone	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1167
Stone	Bill No. 3528 - Vendors/various in the amount of 29,142.98/Bill No. 3529 - Vendors/various in the amount of 26,887.10	1176
Stone	Bill No. 3497 - Support our Neighborhood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign	1186
Stone	Discussion on Adult Group Homes	1209
Stone	Bill No. 3626 - Interim Approval to Moore Business Forms, Inc. in the amount of 518.18 for preliminary work on tax forms	1219
Stone	Requesting Stadium Employees to be City residents	1230

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Plant Closing Legislation Attorney Joseph S. Hornack	1251
Stone	Bill No. 3623 - Agreement with Hospitals and Physicans for the Civil Service entrance and promotional exam	1286
Stone	Bill No. 3592 - Purchase of property on Bly St./28-30 and Brahm St./155 Amending Resolution 1023/82	1297
Stone	Bill No. 3610 - Amending the Pgh. Code Title 5, Traffic, Chapter 503, Enforce- ment by adding Section 503.21-Use of speeding time devices	1302
Stone	Bill No. 3661 - Agreement for Instructors for the training of police recruits/Amending Resolution 357/83	1319
Stone	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1320
Stone	Bill No. 3693 - Contract for Duquense Incline Footbridge demolition	1341
Stone	Bill No. 3692 - Agreement with Port Authority to exchange ownership and maintenance of the Duquense Incline Footbridge	1341
Stone	House Bill 229 - Income eligibility for property tax and rent rebate program/Letters of support	1351
Stone	Right to place vote upon excusal from the meeting/Ruling	1409
Stone	Bill No. 3912 - Congratulating Sons of Columbus of America Gen. E. DePinedo- John Mascio Council No. 29 on its 50th Anniversary	1420
Stone	Bill No. 3859 - Grant from the Urban Consortium Energy Task Force for the Energy Conservation Projects Model Decision Process Project	1436
Stone	Bill No. 3913 - Welcoming the NOW convention to the City of Pgh.	1450

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Economic development in the Hill District	1495
Stone	Arbitrator for contracts for the Police and Fire departments	1495
Stone	Introduction of Mayor Richard S. Caliguiri to present the 1984 Budget	1499
Stone	Grants and Donation/1984 begin Nov. 15, at 10:00 A.M.	1525
Stone	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1555
Stone	Condition of Lemington Center	1570
Stone	Convention Center Hotel and Office Complex	1571
Stone	Bill No. 4145 - Urging the administration of the City of Pgh. to appropriate funds to assist Lemington Center	1574
Stone	Requesting a public hearing on the Mayor's proposal for a Water Authority	1586
Stone	Bill No. 4068 - Transferring 4,300.000.00 from the Water Fund to the General Fund	1598
Stone	Bill No. 4108 - Agreement with Gates, Mcdonald and Co. for the City's liabilities under the PA Unemployment Compensation Fund	1602
Stone	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward/Recommit	1607
Stone	Bill No. 4156 - Lemington Home for Aged Cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	1632
Stone	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1637

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Stone	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1643
Stone	Bill No. 4218 - Appointing a special commission to independently review for all future bond sales	1647
Stone	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirements for licensing of open and enclosed lots	1675
Stone	Budget Message of the Finance Chairman	1708
Stone	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1713
Stone	Thanking everyone responsible for their cooperation on the budget	1731
Stone	Unions and binding arbitration procedure	1741
Stone	Farewell to Eugene P. DePasquale, President of Council	1741
Stone	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1750
Stone	Budget message relative to Mayor's Veto	1815
Stroh, S.	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application Letter dated 1-7-83	53
Sunseri	Bill No. 3048 - Recognizing May 16-21 1983 as "Support Your Child Week"	698
Sweeney	Bill No. 3720 - Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be cancelled	1275

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Sylvia	Bill No. 2783 - "Woman of the Month" presented to Lena Hotujec and Rose Larcovic	482
Walker	Bill No. 2966 - Commending the Veteran Police Association	652
Weatherby	Bill No. 3311 - "Woman of the Month" presented to Ms. Alma Speed Fox	932
Wetherby	Bill No. 2447 - Support of passage of House Bill No. 1	135
Wideman	Bill No. 4042 - Recognizing the accomplishments of our "Native Son" John Edgar Wideman	1509
William	Bill No. 2664 - Honoring Reverend J.A. Williams/Acceptance	330
Williams	Bill No. 3050 - Recognizing the Chadwick Civic League on their 28th Anniversary	704
Williams	Bill No. 3178 - Mellon Bank's freeze of the funds for United Steel Workers wages	786
Woods	Bill No. 2273 - George Jacoby as Director, Supplies Department	12
Woods	Bill No. 2239 - Broadcasting of all of Council's legislative sessions and standing committee meetings/Remarks from 1-5-83.	42
Woods	Bill No. 1864 - Amend Divine Providence Hospital Conditional Use Application Remarks from 1-5-83	59
Woods	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	162
Woods	Bill No. 2362 - Office equipment and furniture for the Fire Department	171
Woods	Cablecasting of Council's Post Agenda hearings	178
Woods	Bill No. 2531 - Supporting a Central Relocation Agency to develop an independent program for the City.	226

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Woods	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	232
Woods	Bill No. 2568 - Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release fund for federally aided projects	245
Woods	Bill No. 2402 - Community Develop- ment statement for the Community Development Block Grant/1983 - Amendment to delect Section 9.	264
Woods	Bill No. 2627 and 2628 - Issuance of a subpoena/Vote Aye	306
Woods	Bill No. 2516 - Lease Jones Law Bldg 1st floor at the cost of \$50,000.00 for CETA Summer Youth Employment Program	308
Woods	Bill No. 2537 - Prohibiting minors in Amusement Arcades during certain specified hours of the school day	319
Woods	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	337
Woods	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM/Rescind subpoena	388
Woods	Bill No. 2642 - Waiver of Residency for Paul J. McDermott/Amend to allow four (4) additional months	414
Woods	Bill No. 2507 - Amending Chapter 161 Contracts - Making sealed bid procedure unnecessary/Negative Recommendation/ Vote No	467
Woods	Bill No. 2777 - Veto from Mayor Caliguiri on Bill No. 2623 - Cable Communication Training and Internship Program/Vote No	494
Woods	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department/Override veto	530

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Woods	Bill No. 2715 - Legal Counsel's Employment and selection for Pittsburgh City Council/Vote No	535
Woods	Bill No. 2763 - Changing 1982 - 1984 Rules of Council by increasing certain fines and various regulations/Vote No/ Remarks of 3-30-83	538
Woods	Bill No. 2679 - Amending the Pitts- burgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	561
Woods	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	579
Woods	Bill No. 2929 - CAP's unemployed personnel	627
Woods	Hire a legal consultant	639
Woods	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	773
Woods	Bill No. 3129 - Transfer of 30,000.00 from CA 1146 to CA 1128	825
Woods	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	840
Woods	Bill No. 3106 - License to Tom Mistick and Sons for 1130 W. North Ave. and No. 37 Fire Stations - site improvements	853
Woods	Bill No. 3280 - Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	872
Woods	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	872
Woods	Bill No. 3268 - Warner Cable Corp. requested rate increase	901

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Woods	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	965
Woods	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations/Vote Aye	1001
Woods	Bill No. 3418 - Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1049
Woods	Bill No. 3419 - Council will not support the issue of establishment of additional Group Home or Group Care Facility	1062
Woods	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1071
Woods	Bill No. 3547 - Discouraging the use of public facilities by performers and promoters who show disregard for commonly accepted standards of behavior	1097
Woods	Bill No. 3538 - Petition from Pittsburgh residents requesting a hearing on Ordinance No. 21/83 - Plant Closing Notification	1110
Woods	Bill No. 3549 - Appointment of Deborah Comay to Magistrate of City Court/ Hold one week	1127
Woods	Parking availability on the side of the City-County Bldg.	1128
Woods	City's payment of the debt services for Three River's Stadium	1131
Woods	Garfield Heights Highrise residents fined \$10.00 dollars	1133

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Woods	Bill No. 3567/Veto of Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes/Letter 8-12	1168
Woods	Bill No. 3528 - Vendors/various in the amount of 29,142.98/Bill No. 3529 - Vendors/various in the amount of 26,887.10	1173
Woods	Bill No. 3497 - Support our Neighbor hood Action Coalition to identify and promote a Buy Pittsburgh Area Products Campaign/Remarks 8-10	1186
Woods	Discussion on Adult Group Homes	1209
Woods	Post Agenda with the Housing Authority and the Commission on Human Relations	1227
Woods	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	1320
Woods	Bill No. 3661 - Agreement for Instructors for the training of police recruits/Amending Resolution 357/83	1320
Woods	Bill No. 3638 - Agreements for Consultants for Asbestos Inspections at City Facility	1325
Woods	Vacancy of the Fifth Ave. High School Building, 3rd Ward	1348
Woods	House Bill 229 - Income eligibility for property tax and rent rebate program/Letters of support/Vote No	1352
Woods	Bill No. 3840 - Petition from the Veterans of U.S. Military to discuss the psychological portion of the Pittsburgh Police Exam	1393
Woods	Right to place vote upon excusal from the meeting/Ruling	1409
Woods	Requesting that the hearing to discuss psychological test be televised	1411

ADDRESSES AND REMARKS

SPEAKER	SUBJECT	PAGE
Woods	Post Agenda item with Warner Cable relative to televising Council's meetings	1412
Woods	Economic development in the Hill District	1494
Woods	Group Homes Ordinance does not include Personal Care Boarding Homes	1526
Woods	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	1543
Woods	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	1642
Woods	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	1643
Woods	Bill No. 4237 - Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1660
Woods	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirments for licensing of open and enclosed lots	1674
Woods	Allocation of \$53,000.00 over three years for staffing of all nine members of Council	1712
Woods	Farewell to Eugene P. DePasquale, President of Council	1742
Woods	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	1765

**COMMUNICATIONS
INTERIM APPROVAL
DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3320		Vehicle Maintenance		
		Facility, Phase II	15,999.03	983
4173		No. 42 Fire Station,		
		Chestnut St	19,000.00	1623
2327	Air and Power Service		2,800.00	69
2742	B. Dalfol and Son Inc.	Front steps and		
		Loggia project	35,000.00	483
4054	Eastley, Inc.	Heating/4th Division	19,000.00	1528
2328	Niko Contracting Co.		12,876.00	69
2700	PA. Utility Management	Heating equipment at		
		City Garage	6,646.00	425
2533	Stanley Magic Door.	Repairs to		
		handicapped door	1,000.00	252
2329	Voegele Company Inc.		19,000.00	69

**INTERIM APPROVAL
MAYOR'S OFFICE
RICHARD S. CALIGUIRI, MAYOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3206	Travel Magic Agency	Energy Task Force		
		Meeting 9-82	750.00	823

**INTERIM APPROVAL
DEPARTMENT OF PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3606		Southside Riverfront		
		Park	20,000.00	1216
3607		Phipps Conservatory		
		Renovations	1,860.00	1216
2396		Aqua Zoo	25,000.00	87
2469		Purchase/rare birds	6,000.00	197
2758		Female Orangutan	6,000.00	486

**INTERIM APPROVAL
DEPARTMENT OF PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
4072		Mellon Park Service Building	22,510.00	1531
2675		Ormsby Park color coating	2,530.00	377
4192		Phipps Conservatory	10,102.00	1626
4154		Friendship Park Renovations	5,500.00	1591
2907		Evergreens planted at Point State Park	1,890.00	633
3159		Ormsby Park	5,318.00	799
2983		Surgical sexing of birds	700.00	674
3389		Phipps Conservatory Phase I	27,500.00	1035
3334		Mellon Park Service Building	2,044.50	985
4191	Cost, Inc.	Pittsburgh Aviary	896.00	1626

**INTERIM APPROVAL
POLICE DEPARTMENT
ROBERT J. COLL, JR., SUPERINTENDENT**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
2249			4,557.39	3

**INTERIM APPROVAL
DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3147	Allied Supplies	Emergency purchase of Survey Monuments	3,100.00	797
3698	Brayman Construction	Forbes Ave. Bridge	1,050.00	1278
3358	Browning-Ferris	Rental charges	4,267.00	1022
3654	Carl J. Long Assoc.	Street Lighting	2,874.28	1236

**INTERIM APPROVAL
DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3480	Casey Co.	Reconstruction of the Steuben St. Wall	43,352.22	1102
3597	Casey Company	P.J. McArdle Bridge	16,000.00	1214
3113	Casey Company	Reconstruction of Radcliffe Bridge	12,600.00	768
3770	Commonwealth	Forbes Ave. Lighting and Signals	111,309.84	1334
2457	Conn Construction Co.		17,974.31	194
2498	Conn Construction Co.	Mission St. Bridge	2,886.60	214
3477	D.M.K. Inc.	Emergency repairs to a collapsed sewer	36,340.00	1102
3598	Dick Corp.	Asphalt Plant	664.00	1215
2245	Highway Equipment Co.		14,764.60	2
3843	J-Jac Construction Co.	Exchange Way Sewer	81,000.00	1397
3939	Michael Facchiano Co.	Concrete Step Repair	4,486.31	1460
2499	Mosites Construction	Larimer Ave. Bridge	3,558.48	214
3357	Nittany Engineers	Recycling Program	520.00	1022
2244	Noralco Corp.		6,500.00	2
3884	Noralco Corp.	E. Sycamore St. Hillside	270,625.00	1424
2334	Parente Contractors		13,714.25	70
2459	Parente Contractors		1,702.43	195
3479	Ram Construction Co.	Removal of Saw Mill Run Rock Slide	22,421.00	1102
3938	Ram Construction Co.	Saw Mill Run Rockslide	145,000.00	1460
3726	Richardson Associates	Services for Route 51 Rockslide	4,742.50	1309
3148	Richardson Associates	Route 51 Rockslide	4,950.00	797
3478	Richardson Associates	Toxic Water Investigation	23,814.83	1102
3940	Sphere	Job classification	273.00	1460

**INTERIM APPROVAL
DEPARTMENT OF SUPPLIES
GEORGE JACOBY, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
2609	Mosites Construction.	Larimer Ave. Bridge Rehab	113,772.00	297

**INTERIM APPROVAL
DEPARTMENT OF FINANCE
RONALD SCHMEIER, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
2886		Earned Income Tax Forms	6,200.00	599
3626	Moore Business Forms	Preliminary work on tax forms	518.18	1218

**INTERIM APPROVAL
DEPARTMENT OF WATER
RICHARD COSENTINO, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
3432		Repairs to a back-hoe loader	4,400.00	1073
3887		Repair of pumps	391.77	1425
2339		Clarifier residue	2,000.00	71
2460		Repair back-hoe	1,006.81	195
3849		Waterline/Calvin St.	27,648.00	1398
3850		Repair of a power pack unit	344.00	1398
3820		Waterline	27,288.20	1359
3733		Repair of Carbon Analyser	1,297.82	1310
2425		Magnetic Gate	345.00	137
2426		Highland Pumping Station	6,000.00	137
2790		Delivery of sand	507.73	521
2791		Repair to three metallic locators	700.00	521

**INTERIM APPROVAL
DEPARTMENT OF WATER
RICHARD COSENTINO, DIRECTOR**

BILL	SUBJECT	SERVICE	AMOUNT	PAGE
2648		Saw Blades	650.00	340
2834		Repairs to waterline in Parkway West	80,000.00	557
3821		Delivery of chlorine	1,650.00	1359
2903		Repair to a drill	518.35	632
3116		Purchase of motor oil	291.50	769
2974		Equipment for Highland Pumping Station	5,000.00	672
2942		Four Mile Run and Saline St.	13,755.00	655
3072		Herron Hill Pumping Station	400.00	741
3231		Repair of waterline in Boundary St.	56,660.00	914
2427	Conrail Railroad Co.	Sidetrack installation	1,738.00	137
3848	General Electric	Power factor solid state boards	804.00	1398
3819	PB&S Chemical Company	Purchase of chlorine	10,000.00	1359
3700	PB&S Chemical Company	Chlorine purchase	17,041.50	1278
2299	Water Treatment Plant	Rehabilitation	66,500.00	23

**TRAVEL REQUEST
CITY CONTROLLER
JOHN E. MCGRADY**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
4163	Brenner, F.	Dallas TX	1,700.00	12-19-83	1592
4035	Brenner, F.	Boston MA	1,700.00	11-11-83	1514
3711	Brown, L.	Houston TX	5,600.00	09-21-83	1280
4034	Brown, L.	Atlanta GA	3,100.00	11-14-83	1514
4034	Fuanri, B.	Atlanta GA	3,100.00	11-14-83	1514
3711	Funari, B.	Houston TX	5,600.00	09-21-83	1280
3711	Johnson, R.	Houston TX	5,600.00	09-21-83	1280
2406	Johnson, R.	Atlanta GA	700.00	03-17-83	89
2885	Johnson, R.	Toronto CN	1,300.00	06-11-83	598

**TRAVEL REQUEST
CITY CLERK
MICHAEL A. PERRY**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2848	D'Alessandro	Toronto CN	2,500.00	06-11-83	559
3713	Johnson, L.	Atlanta GA	750.00	09-29-83	1280
2848	Vaughn, P.	Toronto CN	2,500.00	06-11-83	559

**TRAVEL REQUEST
CITY PLANNING
ROBERT LURCOTT, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2686	Barnes, B.	Chicago IL	1,600.00	04-10-83	378
3266	Branca, S.	Washinton DC	850.00	05-15-83	918
4207	DiLeonardo, D.	Philadelphia PA	750.00	01-17-84	1628
3004	Erenrich, G.	Washington DC	400.00	05-15-83	677
2766	Farmer, P.	Seattle WA	1,500.00	04-15-83	488
2652	Farmer, P.	Washington DC	300.00	03-05-83	341
3677	Farmer, P.	Philadelphia PA	650.00	10-05-83	1239
3616	Lurcott, R.	Chicago IL	800.00	10-02-83	1217
2552	Lurcott, R.	Seattle WA	3,000.00	04-15-83	255
3857	Lurcott, R.	Washington DC	525.00	10-26-83	1400
2653	Lurcott, R.	Washington DC	300.00	03-18-83	341
3081	Lurcott, R.	Philadelphia PA	980.00	06-09-83	744
2552	Reaves, R.	Seattle WA	3,000.00	04-15-83	255
2254	Reaves, R.	Washington DC	600.00	01-19-83	3
2686	Scheuring, S.	Chicago IL	1,600.00	04-10-83	378
3894	Smith, H.	Warrendale PA	100.00	10-26-83	1426
2686	Smith, R.	Chicago IL	1,600.00	04-10-83	378
3894	Sproul, J.	Warrendale PA	100.00	10-26-83	1426
2806	Young, R.	Washington DC	700.00	05-11-83	523
3677	Young, R.	Philadelphia PA	650.00	10-05-83	1239

**TRAVEL REQUEST
COMMISSION OF HUMAN RELATIONS
JOHN GABRIEL, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3728	Banner, O.	Muncy PA	100.00	08-26-83	1309
2519	Burden, L.	Philadelphia PA	400.00	01-26-83	217
2626	Burden, L.	Atlanta GA	1,250.00	03-16-83	300
2962	DiLeonardo, D.	Philadelphia PA	1,200.00	05-17-83	658
2556	DiLeonardo, D.	Philadelphia PA	1,100.00	03-07-83	255
3627	Fox, A.	Harper's Ferry	1,200.00	09-20-83	1219
3627	Gabriel, J.	Harper's Ferry	1,200.00	09-20-83	1219
3728	Hairston, E.	Muncy PA	100.00	08-26-83	1309
3628	Harris, S.	Arlington VA	750.00	10-02-83	1219
2962	Harris, S.	Philadelphia PA	1,200.00	05-17-83	658
2556	Harris, S.R.	Philadelphia PA	1,100.00	03-07-83	255
3973	Robinson, L.	Carlisle PA	185.00	11-21-83	1466
2626	Wellons, C.	Atlanta GA	1,250.00	03-16-83	300
3627	Wellons, C.	Harper's Ferry	1,200.00	09-20-83	1219

**TRAVEL REQUEST
EMERGENCY MEDICAL SERVICES
GLENN CANNON, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2400	Burgman, G.	Catonsville MD	700.00	03-25-83	88
3822	Burgman, G.	Harrisburg PA	400.00	10-16-83	1360
3889	Cannon, G.	Orlando FL	2,000.00	10-24-83	1425
2401	Cannon, G.	Memphis TN	700.00	03-13-83	88
2474	Cannon, G.	Greensburg PA	180.00	03-26-84	197
3823	Cox, R.	Harrisburg PA	1,000.00	10-26-83	1360
2474	Full, R.	Greensburg PA	180.00	03-26-84	197
3823	Garreston, D.	Harrisburg PA	1,000.00	10-26-83	1360
2401	Garreston, D.	Memphis TN	700.00	03-13-83	88
2474	Garreton D.	Greensburg PA	180.00	03-26-84	197
2400	Jones, J.	Catonsville MD	700.00	03-25-83	88
2474	Kennedy, R.	Greensburg PA	180.00	03-26-84	197
2474	McCaughan, R.	Greensburg PA	180.00	03-26-84	197
2474	Rowntree, J.	Greensburg PA	180.00	03-26-84	197

**TRAVEL REQUEST
ENVIRONMENTAL SERVICES
JAMES NORMAN WALKER, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2709	Artman, J.	Ann Arbor MI	2,000.00	05-16-83	427
3845	Brown, C.	Panama City FL	2,700.00	11-07-83	1397
2709	Davis, A.	Ann Arbor MI	2,000.00	05-16-83	427
3845	Dowden, L.	Panama City FL	2,700.00	11-07-83	1397
2610	Gibson, P.	Philadelphia PA	800.00	03-21-83	297
3600	Gibson, P.	Harrisburg PA	700.00	09-14-83	1215
3600	Lewis, R.	Harrisburg PA	700.00	09-14-83	1215

**TRAVEL REQUEST
FIRE DEPARTMENT
CHARLES LEWIS, CHIEF**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2363	Cimino, D.	McKeesport PA	116.00	01-27-83	74
2986	Cimino, D.	Lexington KY	900.00	06-26-83	675
3026	Conroy, C.	Pittsburgh PA	220.00	06-30-83	707
2307	Erenrich, G.	Washington DC		01-16-83	24
2399	Faulkner J.	Memphis TN	1,600.00	03-12-83	88
3393	Faulkner, J.	Edison NJ	1,000.00	09-19-83	1035
2735	Gabriel, J.	Philadelphia PA	550.00	05-06-83	430
3164	Harpur, J.	Lexington KY	1,800.00	06-26-83	799
2363	Hegerle, H.	McKeesport PA	116.00	01-27-83	74
3026	Hegerle, H.	Pittsburgh PA	220.00	06-30-83	707
2762	Hitchings, T.	Harrisburg PA	225.00	03-30-83	487
3708	Imhoff, P.	San Antonio TX	875.00	10-01-83	1279
2987	Imhoff, P.	Lexington KY	1,200.00	06-26-83	675
2540	Imhoff, P.J..	Arlington VA	190.00	03-10-83	253
3393	Large, F.	Edison NJ	1,000.00	09-19-83	1035
2399	Moran, J.	Memphis TN	1,600.00	03-12-83	88
3164	Somma, J.	Lexington KY	1,800.00	06-26-83	799
3393	Thomas, E.	Edison NJ	1,000.00	09-19-83	1035
3393	Yon, L.	Edison NJ	1,000.00	09-19-83	1035
2306	Young, R.	Washington DC	550.00	01-25-83	24

TRAVEL REQUEST
DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3722	Fischer, R.	Dayton OH	775.00	10-06-83	1308
2454	Fischer, R.	Pittsburgh	360.00	03-15-83	195
2744	Khalil, A.	Pittsburgh PA	220.00	05-25-83	484
2454	MacDonald, B.	Pittsburgh	360.00	03-15-83	195
2534	MacDonald, B.	Pittsburgh PA	85.00	02-24-83	252
2690	Fein, M.	Washington DC	850.00	04-20-83	379
3126	Joyce, R.	Harrisburg PA	375.00	07-21-83	770
3346	Pellegrini, D.	Milwaukee WS	1,000.00	08-17-83	987
2736	Pellegrini, D.	Washington DC	700.00	06-07-83	430
4109	Whitmer, G.	Harrisburg PA	275.00	11-16-83	1535

TRAVEL REQUEST
MAYOR'S OFFICE
RICHARD S. CALIGUIRI, MAYOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2770	Bailey, M.	Houston TX	3,000.00	04-17-83	488
3679	Bailey, M.	Seattle WA	0	09-23-83	1240
3014	Bailey, M.	Monroeville PA		05-24-83	678
3678	Energy Task Force		175.00		1239
3679	Gerall, M.	Seattle WA	0	09-23-83	1240
2770	Gerall, M.	Houston TX	3,000.00	04-17-83	488
3755	Matter, D.	Miami FL	1,475.00	10-26-83	1313
2918	Matter, D.	Seattle, WA	1,325.00	05-04-83	634
2770	Sadowski, E.	Houston TX	3,000.00	04-17-83	488
3899	Smith, R.	Pittsburgh PA	35.00	09-28-83	1427
4162	Whitmer, G.	Harrisburg PA	300.00	11-30-83	1592
3754	Whitmer, G.	Harrisburg PA	400.00	10-05-83	1313
3034	Whitmer, G.	Harrisburg PA	375.00	06-09-83	709
3035	Whitmer, G.	Harrisburg PA	300.00	05-23-83	709
2963	Whitmers, G.	Denver CO	1,400.00	06-11-83	658
2770	Wilson, J.	Houston TX	3,000.00	04-17-83	488

**TRAVEL REQUEST
DEPARTMENT OF PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2794	Allen, W.	Greentree PA	820.00	04-24-83	521
3090	Allen, Wm.	Cleveland OH		05-25-83	743
2247	Allen, Wm.	Cleveland OH	NONE	12-22-82	2
3391	Ashley, D.	Los Angeles CA		08-11-83	1035
3239	Balbot, B.	Freeport PA		06-29-83	915
2794	Bates, R.	Greentree PA	820.00	04-24-83	521
2794	Bell, W.	Greentree PA	820.00	04-24-83	521
2470	Brown, L.	Harrisburg PA	200.00	02-18-83	197
3702	Brown, L.	Kansas City MO	800.00	10-02-83	1278
2794	Brown, L.	Greentree PA	820.00	04-24-83	521
2759	Brown, L.	White Plains NY	310.00	04-28-83	486
2619	Brown, L.R.	Hershey PA	1,300.00	03-23-83	299
2794	Burak, J.	Greentree PA	820.00	04-24-83	521
3495	Chiorazzo, P.	Westmoreland	45.00	09-14-83	1104
2359	Clack, L.	Los Angeles, CA	525.00	02-24-83	73
2794	Clark, L.	Greentree PA	820.00	04-24-83	521
3300	Cooperman, F.	Fort Worth TX		07-30-83	940
3239	Costanzo, P.	Freeport PA		06-29-83	915
2794	Crock, M.	Greentree PA	820.00	04-24-83	521
2358	Davis, S.	Harrisburg, PA		01-13-83	73
2760	Davis, S.	Slippery Rock PA	200.00	04-16-83	486
3300	Davis, S.	Fort Worth TX		07-30-83	940
3390	Davis, S.	Penn State	150.00	08-12-83	1035
2505	Davis, S.	Hershey PA		03-03-83	215
4020	DiMaria, A.	Cleveland OH		11-18-83	1512
3703	Dorsey, J.	Tionesta PA	0	09-20-83	1278
4020	Duncan, L.	Cleveland OH		11-18-83	1512
3163	Dziubek, D.		350.00	06-16-83	799
3239	Flom, S.	Freeport PA		06-29-83	915
3660	Frumen, M.	Ravenna OH	0	09-21-83	1237
3704	Frumen, M.	Wheeling VA	0	10-11-83	1278
3495	Gable, M.	Westmoreland	45.00	09-14-83	1104
2794	Glick, C.	Greentree PA	820.00	04-24-83	521
3160	Goodlett, R.	Washington DC	200.00	06-03-83	799
3161	Goodlett, R.	Mayaguana	556.00	06-10-83	799
2794	Goodlett, R.	Greentree PA	820.00	04-24-83	521
2794	Grebb, R.	Greentree PA	820.00	04-24-83	521
2677	Hays, H.	Philadelphia PA		03-09-83	377
2794	Hays, H.	Greentree PA	820.00	04-24-83	521
2397	Heinz, L.	Pittsburgh PA	170.00	01-18-83	87
3239	Hendrickson	Freeport PA		06-29-83	915

TRAVEL REQUEST
DEPARTMENT OF PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3391	Herron, A.	Los Angeles CA		08-11-83	1035
4020	Herron, P.	Cleveland OH		11-18-83	1512
3391	Herron, P.	Los Angeles CA		08-11-83	1035
3391	Hojonski, D.	Los Angeles CA		08-11-83	1035
2794	Kinchinko, T.	Greentree PA	820.00	04-24-83	521
2397	Klepeis S.	Pittsburgh PA	170.00	01-18-83	87
3163	Konecky, L.		350.00	06-16-83	799
3391	Krashna, J.	Los Angeles CA		08-11-83	1035
2760	Lindsey, K.	Slippery Rock PA	200.00	04-16-83	486
2432	Lindsey, K.	Meadville PA		02-11-83	138
3162	Lindsey, K.	State College PA		06-16-83	799
3609	Luongo, R.	Camp Kon-O-Kwee		09-07-83	1216
2619	Mancusco, C.	Hershey PA	1,300.00	03-23-83	299
3955	Mancuso, C.	Harrisburg PA	105.00	10-25-83	1463
3091	Mancuso, C.	Washington DC	550.00	06-07-83	743
3955	Marburger, J.	Harrisburg PA	105.00	10-25-83	1463
3609	McPherson, R.	Camp Kon-O-Kwee		09-07-83	1216
2619	Merritt, A.	Hershey PA	1,300.00	03-23-83	299
2619	Merritt, C.	Hershey PA	1,300.00	03-23-83	299
3955	Merritt, C.	Harrisburg PA	105.00	10-25-83	1463
2794	Meyer, T.	Greentree PA	820.00	04-24-83	521
2619	Miller, J.	Hershey PA	1,300.00	03-23-83	299
2793	Miller, M.	New Jersey	250.00	04-15-83	521
3778	Myers, T.	Cassadaga NY	70.00	10-11-83	1335
3706	Natoli, J.	New York NY	1,400.00	10-21-83	1279
3495	Natoli, J.	Westmoreland	45.00	09-14-83	1104
2397	O'Shanick, Wm.	Pittsburgh PA	170.00	01-18-83	87
3163	Parker, W.		350.00	06-16-83	799
3609	Penix, P.	Camp Kon-O-Kwee		09-07-83	1216
3391	Petrakis, M.	Los Angeles CA		08-11-83	1035
3160	Robbibaro, K.	Washington DC	200.00	06-03-83	799
2676	Robbibaro, K.	Washington DC	495.00	03-29-83	377
3391	Robinson, J.	Los Angeles CA		08-11-83	1035
2794	Romanowski, K.	Greentree PA	820.00	04-24-83	521
3778	Santucci, H.	Cassadaga NY	70.00	10-11-83	1335
2431	Senft, C.	Weirton WV		01-28-83	138
3609	Senko, M.	Camp Kon-O-Kwee		09-07-83	1216
2506	Senko, M.	Detroit MI	775.00	03-13-83	215
2794	Shepis, P.	Greentree PA	820.00	04-24-83	521
3609	Sherred, M.	Camp Kon-O-Kwee		09-07-83	1216
2794	Spurier, F.	Greentree PA	820.00	04-24-83	521

**TRAVEL REQUEST
DEPARTMENT OF PARKS AND RECREATION
LOUISE R. BROWN, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3390	Van Buren, L.	Penn State	150.00	08-12-83	1035
3300	VanBuren, L.	Fort Worth TX		07-30-83	940
2760	Verdu, S.	Slippery Rock PA	200.00	04-16-83	486
3090	Wagner, R.	Cleveland OH		05-25-83	743
2794	Wagner, R.	Greentree PA	820.00	04-24-83	521
2677	Wagner, R.	Philadelphia PA		03-09-83	377
2247	Wagner, R.	Cleveland OH	NONE	12-22-82	2
3608	Wagner, R.	Tampa FL	860.00	10-23-83	1216
2794	Walsh, T.	Greentree PA	820.00	04-24-83	521
3390	Wright, S.	Penn State	150.00	08-12-83	1035

**TRAVEL REQUEST
DEPARTMENT OF PERSONNEL AND CIVIL SERVICE
MELANIE SMITH, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2846	Brown, B.		900.00		559
3527	Dailey, R.	Butler PA	250.00	08-08-83	1108
2409	Farley, D.	Johnstown PA	100.00	01-20-83	89
2313	Farley, D.	Harrisburg PA	260.00	02-16-83	25
3996	Farley, D.	State College	400.00	11-16-83	1479
3404	Farley, D.	Harrisburg PA	350.00	07-14-83	1037
3097	Farley, D.	Harrisburg PA	260.00	05-19-83	744
2774	Farley, D.	Harrisburg PA	400.00	03-30-83	489
3207	Farley, D.	Harrisburg PA	400.00	06-16-83	823
2775	Fein, M.	Philadelphia PA	875.00	03-08-83	489
2517	Ferguson, B.	McKeesport PA	78.00	04-06-83	217
2959	Finelli, C.	Sharon PA	185.00	05-25-83	657
3527	Forston, W.	Butler PA	250.00	08-08-83	1108
3683	Fortson, W.	Harrisburg PA	750.00	09-15-83	1240
4136	Hardy, L.	Pittsburgh PA	20.00	12-07-83	1578
3527	Heal, E.	Butler PA	250.00	08-08-83	1108
3683	Jarzabek, J.	Harrisburg PA	750.00	09-15-83	1240
3125	Kenney, J.	Philadelphia PA	775.00	06-13-83	770
3683	Klein, J.	Harrisburg PA	750.00	09-15-83	1240
3368	Klein, J.	Columbus OH	700.00	08-29-82	1023
2408	Leger, P.	Philadelphia PA	480.00	02-02-83	89
3527	Lucis, R.	Butler PA	250.00	08-08-83	1108
3038	Melton, C.	Philadelphia PA	500.00	05-26-83	710

TRAVEL REQUEST
DEPARTMENT OF PERSONNEL AND CIVIL SERVICE
MELANIE SMITH, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3125	Nardini, J.	Philadelphia PA	775.00	06-13-83	770
2919	Scarpino, G.	Hershey PA	250.00	05-12-83	635
2775	Scarpino, G.	Philadelphia PA	875.00	03-08-83	489
2959	Schneider, B.	Sharon PA	185.00	05-25-83	657
2518	Schneider, B.	San Antonio TX	1,450.00	03-25-83	217
2312	Schugar, P.	Monroeville PA	10.00	02-16-83	25
2775	Schugar, P.	Philadelphia PA	875.00	03-08-83	489
3098	Taylor, M.	Richmond VA	475.00	06-09-83	744
2808	Woodcock, T.	Pittsburgh PA	185.00	04-04-83	523

TRAVEL REQUEST
DEPARTMENT OF POLICE
ROBERT J. COLL, JR., SUPERINTENDENT

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3025	Mook, J.	Emmitsburg MD	425.00	07-10-83	707
3662	Mook, J.	Lancaster PA	590.00	08-28-83	1237
2714	Nave, G.	El Paso TX	1,878.00	04-08-83	428
3336	Schmiedeke, B.	Wilmington DE	525.00	07-17-83	986
2714	Stotlemeyer, J.	El Paso TX	1,878.00	04-08-83	428
3662	Tomer, C.	Lancaster PA	590.00	08-28-83	1237
3025	Zielmanski, E.	Emmitsburg MD	425.00	07-10-83	707

TRAVEL REQUEST
DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
4127	Barbati, J.	E. Hartford CN	380.00	11-17-83	1577
2862	Connors, R.	Pittsburgh PA	1490.00	06-01-83	595
2500	Emenecker, R.	Madison WI		05-05-83	214
3886	Emenecker, R.	Washington DC	375.00	10-12-83	1425
4060	Emenecker, R.	Washington DC		11-15-83	1529
2750	Emenecker, R.	Washington DC	290.00	03-24-83	485
2938	Emenecker, R.	Houston, TX	1,500.00	06-12-83	654
2825	Emenecker, R.	Washington DC	275.00	04-21-83	556
2826	Emenecker, R.	Southfield MI		05-10-83	556

**TRAVEL REQUEST
DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3359	Emenecker, R.	Washington DC	360.00	07-07-83	1022
3384	Emenecker, R.	Baltimore MD	1,000.00	09-25-83	1034
3599	Gaetano, L.	Allentown PA	370.00	09-26-83	1215
4152	Gaetano, L.	Washington DC	275.00	12-14-83	1590
2827	Gaetano, L.	Chicago IL	575.00	04-18-83	556
2824	Gaetano, L.	New York NY	356.00	04-08-83	556
2862	Gaetano, L.	Pittsburgh PA	1490.00	06-01-83	595
2862	Killmeyer, D.	Pittsburgh PA	1490.00	06-01-83	595
2824	Kraszewski, R.	New York NY	356.00	04-08-83	556
2861	Kraszewski, R.	Chicago IL	445.00	04-18-83	595
3844	Kubit, A.	Timonium MD	450.00	10-06-83	1397
3727	Lenkner, L.	New York NY	500.00	09-28-83	1309
2862	Loy, P.	Pittsburgh PA	1490.00	06-01-83	595
2862	McCloud, J.	Pittsburgh PA	1490.00	06-01-83	595
2862	McDermott, P.	Pittsburgh PA	1490.00	06-01-83	595
2937	McDermott, P.	Milwaukee, WI	1,125.00	06-06-83	654
3885	McDermott, P.	Harrisburg PA	165.00	10-12-83	1424
2862	Perkun, J.	Pittsburgh PA	1490.00	06-01-83	595
3727	Staab, L.	New York NY	500.00	09-28-83	1309
2862	Tumas, J.	Pittsburgh PA	1490.00	06-01-83	595
2862	Valent, J.	Pittsburgh PA	1490.00	06-01-83	595
3844	Walsh, M.	Timonium MD	450.00	10-06-83	1397
2862	Weres, J.	Pittsburgh PA	1490.00	06-01-83	595

**TRAVEL REQUEST
DEPARTMENT OF SUPPLIES
GEORGE JACOBY, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
4226	Barrett, J.	Greentree PA	300.00	01-04-84	1663
3536	Bauer, M.	Cranberry PA	150.00		1109
4226	Botsford, D.	Greentree PA	300.00	01-04-84	1663
3535	Botsford, D.	San Antonio TX	1,650.00	08-24-83	1109
2375	Burger, B.	Monroeville PA	150.00	02-03-83	75
2647	Carter, W.	Ontario	2,000.00	05-08-83	340
3536	Cherry, G.	Cranberry PA	150.00		1109
2374	Earnest, E.	Harrisburg PA	155.00	01-21-83	75
3209	Ernest, E.	San Antonio TX	2,500.00	08-27-83	823
3536	Gallina, R.	Cranberry PA	150.00		1109

**TRAVEL REQUEST
DEPARTMENT OF SUPPLIES
GEORGE JACOBY, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3209	Jacoby, G.	San Antonio TX	2,500.00	08-27-83	823
3536	Kirby, S.	Cranberry Township	150.00		1109
2374	Lancia, G.	Harrisburg PA	155.00	01-21-83	75
3536	Lieb, J.	Cranberry PA	150.00		1109
3757	Martinez, G.	Dayton OH	1,700.00	10-12-83	1314
2374	Martinez, G.	Harrisburg PA	155.00	01-21-83	75
3305	McNamara, J.	Pittsburgh PA		07-19-83	941
2558	McNamara, J.	Nashua NH	1,100.00	03-21-83	256
2809	Melnick, R.	Baltimore MD	900.00	04-11-83	524
4226	O'Black, F.	Greentree PA	300.00	01-04-84	1663
3536	O'Toole, J.	Cranberry PA	150.00		1109
2647	Staab, L.	Ontario	2,000.00	05-08-83	340

**TRAVEL REQUEST
DEPARTMENT OF FINANCE
RONALD SCHMEISER, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3682	Bendetti, B.	Alexandria VA	900.00	10-26-83	1240
3995	Bendetti, B.	Churchill PA	28.00	11-10-83	1479
2960	Knox, J.	Cambridge MA	500.00	05-20-83	658
3127	Schillo, S.	Pittsburgh PA	155.00	06-28-83	770
2438	Schillo, S.	Atlanta GA	700.00	03-17-84	139
2773	Schillo, S.	Toronto CN	2,500.00	06-11-83	489
2407	Schillo, S.	Columbus OH	500.00	03-04-83	89
2520	Schillo, S.	Meadville PA	400.00	02-23-83	217
2370	Schmeiser, R.	Washington DC	650.00	01-31-83	75
2557	Schmeiser, R.	Chicago IL	750.00	04-10-83	256
3972	Schmeiser, R.	Hershey PA	175.00	11-21-83	1466
4135	Schmeiser, R.	Washington DC	325.00	12-06-83	1578
3345	Schmeiser, R.	New York NY	500.00	07-14-83	987
2961	Schmesier, R.	Toronto CN	1,400.00	06-11-83	658
2520	Schmesier, R.	Meadville PA	400.00	02-23-83	217
2773	Turner, J.	Toronto CN	2,500.00	06-11-83	489
2520	Turner, J.	Meadville PA	400.00	02-23-83	217

**TRAVEL REQUEST
DEPARTMENT OF WATER
RICHARD COSENTINO, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
2973	Blair, E.	Monroeville PA	40.00	05-24-83	672
2672	Bruecken, J.T.	Las Vegas NV	2,400.00	06-05-83	376
3603	Bruecken, T.	Philadelphia PA	325.00	09-21-83	1215
3360	Cosentino, R.	University Park	600.00	08-01-83	1022
2428	Hanna, J.M.	Greentree PA	450.00	02-10-84	137
3604	Kuchta, J.	Pittsburgh PA	120.00	09-23-83	1215
2340	Kuchta, J.	New Orleans	2,000.00	03-06-83	71
3360	Kuchta, J.	University Park	600.00	08-01-83	1022
2973	McDaveney D.	Monroeville PA	40.00	05-24-83	672
3328	Randazzo, A.	Pittsburgh PA	145.00	07-19-83	984
2902	Russini, J.	West Mifflin PA	50.00	05-04-83	632
2428	Stahoviak, J	Greentree PA	450.00	02-10-84	137
3604	States, S.	Pittsburgh PA	120.00	09-23-83	1215
3360	States, S.	University Park	600.00	08-01-83	1022
2672	Stohoviak, J.	Las Vegas NV	2,400.00	06-05-83	376
2428	Wahlah, A.R.	Greentree PA	450.00	02-10-84	137
2649	Water Plant	Neville Island	250.00	03-07-83	340
2902	Wisloski, R.	West Mifflin PA	50.00	05-04-83	632

**TRAVEL REQUEST
CITY INFORMATION SYSTEMS
ED WALKOWSKI, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3096	Atkins, D.	Atlanta GA	3,500.00	06-20-83	744
3680	Ballo, B.	Phoenix AZ	2,800.00	09-25-83	1240
3407	Fair, F.	Atlanta GA	2,940.00	09-12-83	1037
3267	Gabriel, J.	Philadelphia PA	600.00	07-10-83	919
3096	Good, J.	Atlanta GA	3,500.00	06-20-83	744
3037	Hilgert, J.	Pittsburgh PA	390.00	06-10-83	710
3753	Hilgert, J.	San Diego CA	3,200.00	10-20-83	1313
3405	Karolski, R.	Wellesley MA	1,395.00	09-21-83	1037
3037	Kostrub, J.	Pittsburgh PA	390.00	06-10-83	710
2771	Kostrub, J.	Pittsburgh PA	95.00	04-25-83	488
2772	Krall, P.	Atlanta GA	1,825.00	04-25-83	488
3013	LeMay, K.	Atlanta GA	3,250.00	05-23-83	678
3013	Miserendino	Atlanta GA	3,250.00	05-23-83	678
3407	Nolf, M.	Atlanta GA	2,940.00	09-12-83	1037

**TRAVEL REQUEST
CITY INFORMATION SYSTEMS
ED WALKOWSKI, DIRECTOR**

BILL	SUBJECT	TRAVEL	AMOUNT	DATE	PAGE
3753	O'Carroll, J.	San Diego CA	3,200.00	10-20-83	1313
2920	O'Carroll, J.	Pittsburgh PA	90.00	05-03-83	635
3406	Otis, C.	McLean VA	1,190.00	08-07-83	1037
3036	Rhodes, E.	Pittsburgh PA	495.00	06-07-83	710
3680	Walkowski, E.	Phoenix AZ	2,800.00	09-25-83	1240

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3629	ALCOSAN	Personnel Report 06-30-83	1217
3681	ALCOSAN	1982 Audit and Municipal Authorities Reports	1240
3801	Auditor General Al Benedict	Liquid Fuel Tax Fund 12-31-82	1338
2372	Board of Property Assessment, Appeals and Review	Total Assessments 1983	75
3556	Brophy, Paul C.	1982 URA Certified Financial Statement	1139
3335	Brown, L.	Requesting permission to testify before the Senate Urban Recreation Committee	985
3347	Caliguiri	VETO - Bill No. 2643 Providing for the notification of plant closings, or relocations	988

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3131	Caliguiri	VETO - Bill No. 2940 Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	771
4243	Caliguiri	VETO - Bill No. 4098 Appropriations for conducting the business for the City of Pgh. beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pgh. beginning 1-1-84	1745
2777	Caliguiri	VETO - Bill No. 2623 Cable Communication Training and Internship Program	489
2850	Caliguiri	VETO - Bill No. 2679 Amending the Pgh. Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	560
2811	Caliguiri	VETO - Bill No. 2250 Authorizing a professional study of the Pittsburgh Police Department	524

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3567	Caliguiri	VETO - Bill No. 3420 Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	1162
2405	Caliguiri	Reimbursement to Mary Hall/352.50	88
2272	Caliguiri	Appointing George Jacoby, Director, Dept. of Supplies	9
4110	Caputo, Louis Jr.	Board of Property Assessments and Appeals total assessment of all City property applicable to the year 1984	1535
3601	Coleridge St. Residents	Repavement of Coleridge St.	1215
3408	Convention/Expo Center	Budget for the years 7/83 to 6/84	1038
2888	Equipment Leasing Authority	Annual Report	599
4137	Estimate of Revenue for 1984	General Fund	1578
4137	Estimate of Revenue for 1984	Water Fund	1578
2501	Gaetano	Traffic Regulations to be instituted for a trial of 60 days beginning 01-25-83	214
2371	Housing Authority	Annual Report/12-31-82	75
3208	McGrady, J.	1982 Audit Report for the Municipal Pension Fund	823
3997	Pellegrini	Settlement of claims in excess of 750.00 Third Quarter 1983	1479
3997	Pellegrini	Settlement of claims not exceeding 750.00 Third Quarter 1982	1479

**COMMUNICATIONS
MISCELLANEOUS**

BILL	SUBJECT	PURPOSE	PAGE
3630	Pellegrini	Settlement of claims in excess of 750.00	
		Second Quarter 1983	1219
3630	Pellegrini	Settlement of claims not exceeding 750.00	
		Fourth Quarter 1982	1219
2657	Pellegrini	Settlement of claims not exceeding 750.00	
		Fourth Quarter 1982	342
2657	Pellegrini	Settlement of claims in excess of 750.00	
		Fourth Quarter 1982	342
3974	Performance Audit	Lands and Buildings	1466
4111	Performance Audit	Housekeeping and Custodial Services, Dept. of Lands & Bldgs.	1535
3861	Performance Audit	Public Property Management System	1401
2521	Public Parking Authority	Annual Report	217
3304	Schmeiser	Depositories/05-31-83	941
2776	Schmeiser	Depositories/02-28-83	489
2887	Schmeiser	Depositories/03-31-83	599
3128	Schmeiser	Depositories/04-30-83	770
2522	Schmeiser	Depositories/01-31-83	217
4138	Schmeiser	Depositories/10-31-83	1578
3900	Schmeiser	Depositories/09-30-83	1314
3756	Schmeiser	Depositories/08-31-83	1314
3631	Schmeiser	Depositories/07-31-83	1219
2410	Schmeiser	Depositories/12-31-82	89
2264	Schmeiser	Depositories/11-30-83	5
3446	Schmeiser	Depositories/06-30-83	17
3140	Smith, D. (reimbursement)	Monroeville PA/30.00	796
3099	Stadium Authority	First operating budget /1983-84	744
3617	Urban Redevelopment Authority	Annual Report/06-30-83	1217
3005	Vacant Property Review	1980-82 Activites	677
2984	Warner Cable Corp.	Pittsburgh Basic Service Rate Increase	674

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Givens	Hire a legal consultant		637
Givens	One minute of silent prayer and meditation after the Pledge of Allegiance - Meeting No. 18		651
Madoff	Letter to President Reagan regarding Nuclear Safety and other threats to the world		1226
Robinson	Warner Cable to receive a copy of the executed trust agreement that establishes the minority trust		861
Stone	Any increase as a result of changes 12-31-83, excess monies will go into Code Account 42-1, Reserve for Unsettled Wages and Labor Contracts		1816
Stone	Bill No. 2514 - Transferring 50,000.00 from Code Account 1060 to Code Account 1061 (Effective date is the date of the Mayor's approval	Section 322 of Home Rule Charter	307
Stone	Bill No. 4074 - Transferring 9,000.00 from CA 1457 - Uniforms to CA 1446-1 - Investigation (Effective date is the date of the Mayor's approval	Section 322 of the Home Rule Charter	1601
Stone	Bill No. 4126 - Warrant to Ram Construction Company in the amount of \$145,000.00 (Effective date is the date of the Mayor's approval	Section 322 of the Home Rule Charter	1666
Flaherty	DePasquale, Eugene	Absence	1013
Woods	DePasquale, Eugene	Absence	1306
Givens	Flaherty, Tom	Absence	784
Madoff	Givens, Richard	Absence	423
Woods	Givens, Richard	Absence	1134
Stone	Givens, Richard	Absence	1032
Stone	Givens, Richard	Absence	1088
O'Malley	Givens, Richard	Absence	1064
O'Malley	Madoff, Michelle	Absence	83
Stone	Madoff, Michelle	Absence	1032
Stone	Madoff, Michelle	Absence	1146
Givens	Madoff, Michelle	Absence	861
Givens	Masloff, Sophie	Absence	784
Robinson	Masloff, Sophie	Absence	1209

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Stone	O'Malley, Jim	Absence	514
Madoff	O'Malley, Jim	Absence	480
Madoff	Robinson, Wm. Russell	Absence	695
Stone	Robinson, Wm. Russell	Absence	1586
Woods	Stone, Robert Rade	Absence	1134
Woods	Stone, Robert Rade	Absence	764
Woods	Stone, Robert Rade	Absence	650
Masloff	Stone, Robert Rade	Absence	212
Masloff	Stone, Robert Rade	Absence	1387
Masloff	Stone, Robert Rade	Absence	980
Masloff	Stone, Robert Rade	Absence	913
Givens	Stone, Robert Rade	Absence	861
Madoff	Woods, Ben	Absence	127
Givens	Woods, Ben	Absence	1620
Masloff	Woods, Ben	Absence	1387
Stone	Woods, Ben	Absence	1270
Madoff	Meeting Tuesday, June 13, at 2PM	Adjourn	980
Stone	Meeting to be held Monday, August 15 at 10:00 A.M.	Adjourn	1159
Stone	Meeting to be held Tuesday, September 6 at 2:00 P.M.	Adjourn	1209
Flaherty	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	Amend	968
Flaherty	Bill Nos. 4022, 4023 and 4024 - Conditional Use applications in the 23rd Ward for the Alcoholic Recovery Center	Amend	1562
Givens	Bill No. 2704 - Bloomfield-Garfield Corp. for physical redevelopment of Penn Ave. retail district	Amend	509
Givens	Bill No. 3471 - Sidewalk encroachment at 2211 Webster Ave., 5th Ward	Amend	1179
Givens	Bill No. 2361 - Amending the Pittsburgh Code, Chapters 741, 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779 by clarifying various sections	Amend	282
Madoff	\$25.00 (dollars across the board for pensioners/\$35.00	Amend	1779

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
O'Malley	Bill No. 3117 - Agreement with Arlington Little League for the purchase of baseball uniforms and equipment	Amend	816
O'Malley	Bill No. 3634 - Urging Governor Richard Thornburg to freeze 1.5 million grant to Pittsburgh to add to 1984 CDBG funds to 1983 CDBG	Amend	1223
Robinson	Bill No. 3946 - Amending the Pgh. Code, Title 07 - Business Licensing, Chapter 763 - Parking Lots by adding additional safety requirements for licensing of open and enclosed lots	Amend	1671
Robinson	Bill No. 4012 - Agreement with Lawrenceville Citizens Council for the General rehabilitation to St. Augustine's School	Amend	1669
Robinson	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward	Amend	1631
Robinson	Bill No. 4156 - Lemington Home for Aged Cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	Amend	1631
Robinson	Bill No. 4194 - Agreement with the Legal Advocacy for Women to provide conseling and information	Amend	1670
Robinson	Bill No. 4195 - Agreement with the Kingsley Association to provide a Youth Conseling Program	Amend	1670
Robinson	Bill No. 3130 - Agreements with Consultants for the Minority Purchasing Program	Amend	836
Robinson	Bill No. 3337 - Rescinding Council Bill 2963/81 an application for a grant in connection with the Liberty Center Urban Development Action Grant	Amend	1041
Robinson	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	Amend	967

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Robinson	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to delete Section 9.	Amend	258
Robinson	Bill No. 2402 - Community Development statement for the Community Development Block Grant/1983 - Amendment to redesignate funding	Amend	265
Robinson	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	Amend	497
Robinson	Bill No. 1864 - Divine Providence Hospital Conditional Use Application	Amend	49
Stone	Bill No. 2539 - Emergency Medical Services facilities renovation	Amend	419
Stone	ACTION Mortgage Delinquency Task Force	Amend	143
Stone	Bill No. 3506 - Agreement with Welfare Rights Organization to provide counseling to low and moderate income residents	Amend	1194
Stone	Bill No. 3610 - Amending the Pgh. Code Title 5 - Traffic, Chapter 503 - Enforcement by adding Section 503.21 Use of speeding time devices	Amend	1322
Woods	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	Amend	873
Woods	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	Amend	161
Woods	Bill No. 1814 - Inserting Amusement Arcades in "C3", "C4", and "C5" Districts	Amend	165
Woods	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	Amend	966
Woods	Bill No. 3447 - Amending the Pgh. Code, Title 9 - Zoning, Chapter 993 - Exceptions, by requiring the sponsor to file bi-annually with the Bureau of Building Inspection	Amend	1486

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Woods	Bill No. 2265 - Amending the Pittsburgh Code Chapter 521 - Scofflaws redemption or sale by City at public auction in 30 days from date of certified mailing to read from the date of receipt of certified mailing.	Amend	83
DePasquale	Hold new appointments for one week	Appointment	323
Stone	Hold new appointments for two weeks	Appointment	287
Stone	Approval of Re-Appointments	Appointment	736
Stone	Approval of Re-Appointments	Appointment	289
Stone	Bill No. 2273 - George Jacoby as Director, Supplies Department.	Appointment	26
Stone	Bill No. 2273 - George Jacoby as Director, Supplies Department		
	Hold one week	Appointment	9
Stone	Bill No. 2572 - Approving the Appointment of Wallace Merrell to the Board of Code Review	Appointment	342
Woods	Bill No. 2273 - George Jacoby as Director, Supplies Department.	Appointment	12
Masloff	Pittsburgh Cable Communication Advisory Board	Appointments	63
Masloff	Bill No. 3268 - Warner Cable Corp. requested rate increase	Approval	894
O'Malley	Bill No. 3240 - Filing with HUD for a grant to distribute to Minority Controlled financial institution	Approval	972
Stone	Bill No. 4214 - Appointment of Daryl H. Smith as Director, Dept. of Water	Approval	1637
Stone	Bill No. 4216 - Appointment of Paul McDermott as Director, Dept. of Engineering and Construction	Approval	1642
Stone	Bill No. 4217 - Reappointing James Bulls as a member of ALCOSAN	Approval	1646
Stone	Finance Committee and Budget Staff carry out all necessary budgetary line changes	Authorization	1815
Stone	Principal Planner and Enforcement Officer position	Supplementing Bill No. 4099	1799
Flaherty	Cablecast of public hearing regarding Warner Cable's rate increase	Cablecasting	789

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Robinson	Bill No. 3362 - Amending the Pgh. Code Title 10 - Building, Chapter 1043 - Land Operation by adding Section 1043.17 - Undergroud Public Utilities Power and Supply Lines/Memo from Paul Imhoff, Superintendent of Building Inseption	Waive 45 day rule for consideration by Board of Code Review	1078
Stone	Effective date on all bills from the meeting of 12-31-83 be January 1, 1984	Effective Date	1815
Stone	Bill Nos. 4080, 4098, 4099, 4100, 4199, and 4233 effective January 1, 1984 and all other legislation effective December 31, 1983	Effective Dates	1741
Givens	Plant Closing Legislation Attorney Joseph S. Hornack	Discussion	1244
Robinson	Bill No. 2679 - Amending the Pitts- burgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	Suspend Rules for Discussion	560
Madoff	Display ad of public hearing regarding Warner Cable's rate increase	Display Ad	794
Madoff	Bill No. 4068 - Transferring 4,300.000.00 from the Water Fund to the General Fund	Hold one week	1599
Robinson	Bill No. 3549 - Appointment of Deborah Comay to Magistrate of City Court	Hold one week	1127
Stone	Bill No. 3911 - Appointement of John J. Sciullo to City Planning Commission	Hold two week	1451
DePasquale	Human Relations Commission Members per diem allowance	Sustain Mayor's Veto	1791
Stone	Human Relations Commission in the amount of 5,510.00 for misc. services	Sustain Mayor's Veto	1793
Stone	Principal Planner and Enforcement Officer position	Override Mayor's Veto	1799
Stone	\$25.00 (dollars) across the board for pensioners	Override Mayor's Veto	1779

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Stone	\$25.00 (dollars) across the board for pensioners	Override Mayor's Veto	1773
Stone	Board of Adjustment Administrator/ Secretary Engineer salary increase	Override Mayor's Veto	1794
Stone	Building Maintenance Supervisor salary increase	Override Mayor's Veto	1797
Stone	Clothing allowance for Council's Chauffeur-Clerks	Override Mayor's Veto	1789
Stone	Human Relations Commission Members per diem allowance	Override Mayor's Veto	1791
Madoff	Requesting Stadium Employees to be City residents	Message	1230
Madoff	Letter to Warner Cable requesting 30 days notice to customers of a rate increase	Motion	228
Madoff	Parking availability on the side of the City-County Bldg.	Motion	1127
Robinson	Bill No. 3376 - Regulations for promoters and performers in the City of Pittsburgh	Withdraw Motion	1021
Robinson	Bill No. 2623 - Establishing a Cable Communication Training and Internship Program for the City of Pittsburgh	Amending Section One	410
Stone	Grants and Donations	Override Mayor's Veto	1803
Stone	Grants and Donations	Override Mayor's Veto and Amend	1801
Stone	Personnel Appeals Board wage increase	Override Mayor's Veto	1786
Flaherty	Board of Adjustment Administrator/ Secretary Engineer salary increase	Restore Position	1813
Stone	Monday, August 8 recessed until Thursday, August 11 at 10:30 A.M.	Recess	1146
Stone	Thursday, August 11 recessed until Friday, August 12 at 10:30 A.M.	Recess	1147

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Madoff	Recommending the Mayor preparation of 1984 Budget be amended before it is presented to Council	Recommend	579
Flaherty	Bill No. 3106 - License to Tom Mistick and Sons for 1130 W. North Ave. and No. 37 Fire Stations - site improvements	Recommit	853
Flaherty	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	Recommit	642
Givens	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall	Recommit	719
Givens	Bill No. 2901 - Agreement with D'Appolonia Consulting for the Route 51 Rockfall	Recommit	684
Givens	Bill No. 2704 - Bloomfield-Garfield Corp. for physical redevelopment of Penn Ave. retail district	Recommit	509
Givens	Bill No. 3596 - Vacating Frost Way in the 20th Ward	Recommit	1315
Givens	Bill No. 2216 - Carrick housing for the Elderly hold for a public hearing	Recommit	269
Madoff	Bill No. 3268 - Warner Cable Corp. requested rate increase	Recommit	890
Madoff	Bill No. 3592 - Purchase of property on Bly St./28-30 and Brahm St./155 Amending Resolution 1023/82	Recommit	1297
Madoff	Bill No. 2807 - Allegheny County and the Private Industry Council for joint cost in the establishment of the Private Industry Council Programs	Recommit	660
Madoff	Bill No. 2859 - Act No. 514 of 1947 Involving property on Zena Road	Recommit	693
Madoff	Bill No. 3692 - Agreement with Port Authority to exchange ownership and maintenance of the Duquense Incline Footbridge	Recommit	1341
Madoff	Bill No. 3693 - Contract for Duquense Incline Footbridge demolition	Recommit	1341
Madoff	Bill No. 2310 - Warrant to Wm. M. Mercer for actuarial services	Recommit	95

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
O'Malley	Bill No. 3610 - Amending the Pgh. Code Title 5, Traffic, Chapter 503, Enforcement by adding Section 503.21-Use of speeding time devices	Recommit	1301
Robinson	Bill No. 2251 - Changing Frankstown Avenue to Martin Luther King, Jr. Avenue	Recommit	80
Robinson	Bill No. 2475 - Supplementing Ordinance 28/78, "Providing for participation programs for minorities and woman in business development"	Recommit	219
Robinson	Bill No. 2678 - Adding a new Section Public Policy and Record	Recommit	497
Robinson	Bill No. 3203 - Warrant to the U.S. Dept. of Labor in the amount of 4,791.50	Recommit	921
Robinson	Bill No. 4081 - Sale of property on Penn Ave. between URA and Grant-Liberty Development for the amount of \$5,076,000.00, 2nd Ward	Recommit	1607
Robinson	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department.	Recommit	63
Robinson	Bill Nos. 2437, 2553, and 2554 (Companion Bills) amending Salaries and Appropriations including carry over of monies to certain code accounts	Recommit	358
Robinson	Bill Nos. 2559 and 2560 - Submitting to PA Department of Community Affairs for financial assistance with the North Shore Redevelopment Project	Recommit	368
Robinson	ACTION Mortgage Delinquency Task Force	Recommit	146
Robinson	Bill No. 2953 - Agreement with Neighborhood Alliance for Implementation of the "Home Security Program"	Recommit	725
Stone	Bill No. 4021 - Transferring 2,500.00 from CA 1102 - Salaries to CA 1103 - Misc. Services	Recommit	1538

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Stone	Bill No. 3329 - Transferring \$50,000.00 from SSFSP #1 to SSFSP #2	Recommit	1025
Woods	Bill No. 3638 - Agreements for Consultants for Asbestos Inspections at City Facility	Recommit	1325
Flaherty	Bill No. 2679 - Requiring certain amounts be placed in minority controlled financial institutions	Reconsider	497
Flaherty	Board of Adjustment Administrator/ Secretary Engineer salary increase	Reconsider	1812
Madoff	Editorial from KDKA concerning the political signs from the last election	Remove signs	1328
Flaherty	Bill No. 3268 - Warner Cable Corp. requested rate increase/13 million utilization	Report	911
Stone	Discussion on Adult Group Homes	Report	1209
Givens	Swearing-in ceremony of Council be the first working day of the new year, January 3, 1984 at 10:00 A.M.	Reschedule	1592
Stone	Wednesday, Nov. 9, 1983 meeting be changed from 10:00 A.M. to 1:00 P.M.	Reschedule	1498
Flaherty	Bill No. 2275 - Warrant in the aggregate amount of \$25,707.47	Rule 8	20
Flaherty	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	Waive	
		Rule 8	337
Flaherty	Bill No. 2669 - Step Rehabilitation in various locations	Rule 8	376
Flaherty	Bill No. 2742 - Payment to B. Dalfol and Son Inc. in the amount of 35,000.00	Rule 8	483
Flaherty	Bill No. 3420 - Amending Ordinance No. 21 of 1983 "Providing for the notification of plant closings, reduction or relocations," by making various changes	Rule 8	1067
Flaherty	Bill No. 3916 - Sale of property in the 19th Ward to Riverfront Properties for the sum of \$15,000.00	Rule 8	1457
Flaherty	Bill No. 3635 - Agreement with the URA for the Chestnut St., Fire Station	Rule 8	1233
	Amending Resolution 933/76		
Givens	Bill No. 2935 - Contract for E. Sycamore St. Hillside Stabilization	Rule 8	653

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Givens	Bill No. 4008 - Warrant to J-Jac Construction Company in the amount of 15,881.50	Rule 8	1510
Givens	Bill No. 3929 - Warrant to J-Jac Construction Company in the amount of \$81,000.00	Rule 8	1458
Givens	Bill No. 5382 - Contract for Fourth Ave. from Wood St. reconstruction	Rule 8	1212
Givens	Bill No. 3771 - Petition from Pgh. Residents requesting Council to rescind Highland Park traffic patterns	Rule 8	1334
Givens	Bill No. 3187 - Contract for purchase of Litter Can Receptacles	Rule 8	820
Givens	Bill No. 2491 - Creating a Central Relocation Department	Rule 8	213
Givens	Bill No. 2704 - Bloomfield-Garfield Corp. for the physical redevelopment of Penn Ave. district	Rule 8	426
Givens	Bill No. 2642 - Waiver of Residency for Paul J. McDermott	Rule 8	331
Givens	Bill No. 2239 - Cablecast of Council's meetings	Rule 8	1
Givens	Bill No. 3321 - Agreement with the Port Authority for the Light Rail Transit Project	Rule 8	1026
Givens	Bill No. 2333 - Bausman St. Salt Dome	Rule 8	70
Givens	Bill No. 3585 - Warrant to D.M.K., Inc. in the amount of 36,340.00	Rule 8	1213
Givens	Bill No. 3815 - Transferring 25,000.00 from CA 1612-4 - Salt, to CA 1612-5 - Equipment Rental	Rule 8	1358
Givens	Bill No. 4125 - Acquisition of property in the 5th, 6th and 7th Wards from the POA Company	Rule 8	1576
Madoff	Bill No. 4061 - Contract for Waterline replacement at various locations	Rule 8	1529
Madoff	Bill No. 3326 - URA Property Sales - Requesting the legislation include various information	Rule 8	984

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Madoff	Bill No. 2792 - Amending Chapter 763 of the Pgh Code adding additional safety requirments for licensing and operation of parking lots	Rule 8	521
Madoff	Bill No. 2294 - Voluntary Head Tax	Rule 8	22
Madoff	Bill No. 2537 - Amending Chapter 771 by prohibiting minors in Amusement Arcades during certain specified hours of the school day	Rule 8	253
Madoff	Bill No. 3189 - Granting outside water supply to James Ruggeri	Rule 8	821
Madoff	Bill No. 3190 - Towing of vehicles found in violation of Street Cleaning	Rule 8	821
Madoff	Bill No. 3576 - Warrant to Stanley Magic Doors in the amount of \$3,500.00/Amending Resolution 1377/81	Rule 8	1282
Madoff	Bill No. 3230 - Amending the Pgh Code Chapter 317 - Waste of Water, by revising the definition of responsibility	Rule 8	914
Madoff	Bill No. 3422 - Warrant to M. Berger Land Company in the amount of \$4,646.94	Rule 8	1072
Madoff	Bill No. 3423 - Lease from M. Berger Land Co. property at South 4th and Bingham Sts. 17th Ward	Rule 3	1072
Madoff	Bill No. 2751 - Business Licensing Chapter 763 - Parking Lots by adding additional safety requirements for the licensing and operation of open and enclosed parking lots	Rule 8	485
Madoff	Bill No. 3985 - Lowe St. Bridge water line relay/Amending Resolution 66/83	Rule 8	1477
Madoff	Bill No. 3941 - Warrant to Wm. G. Ford in the amount of 140.00	Rule 8	1460
Madoff	Bill No. 2939 - Appropriating \$2,000,000.00 from the operating budget for the re-opening of McArdle Roadway	Rule 8	655
Masloff	Bill No. 2975 - Warrant to DiDiano Construction Company in the amount of 6,715.00	Rule 8	673
Masloff	Bill No. 2976 - Grant with the Dept. of Environmental Services for the Riverview Pool Rehabilitation Project	Rule 8	673

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Masloff	Bill No. 2977 - Architect/Engineering Services Riverview Pool Design and Construction	Rule 8	673
Masloff	Bill No. 2978 - Amending the Capital Budget by adding a new project Riverview Pool design and construction	Rule 8	673
Masloff	Bill No. 3947 - Warrant to URA from time to time in the amount of \$1,100,000.00	Rule 8	1462
Masloff	Bill No. 3382 - Amending Resolution No. 1385/ 82, the Capital Budget by amending the title of a line item, increasing project allocations and adjusting the summary totals	Rule 8	1034
Masloff	Bill No. 3773 - Transferring 50,000.00 from CA 1818 - Wages to CA 1825 - Wages	Rule 8	1334
Masloff	Bill No. 3774 - Transferring 15,000.00 from CA 1818 - Wages to CA 1800 - 1 Premium Pay	Rule 8	1335
Masloff	Bill No. 2904 - South Side Riverfront Park construction	Rule 8	632
Masloff	Bill No. 3329 - Transferring the amount of 50,000.00 from SSFSP #1 to SSFSP #2	Rule 8	984
Masloff	Bill No. 4153 - Transferring 15,000.00 from CA 1818 - Wages to CA 1800-1 - Premium Pay	Rule 8	1590
Masloff	Suspension on all bills/Meeting held 8-8-83	Rule 8	1140
O'Malley	Bill No. 4195 - Agreement with Kingsley Association for a Youth Conseling Program	Rule 8	1626
O'Malley	Bill No. 2867 - Amending the Pittsburgh Code, Chapter 803, amending F-600.1, 600.5, 600.06, 600.7 and 600.8	Rule 8	596
O'Malley	Bill No. 2868 - Amending the Pittsburgh Code, Chapter 1003, amending various sections by adding definitions	Rule 8	596
O'Malley	Bill No. 2795 - transfer 175,375.00 within the Department of Emergency Services	Rule 8	522

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
O'Malley	Bill No. 2796 - Frequency Modulated Radio Equipment for Emergency Medical Services	Rule 8	522
O'Malley	Bill No. 3956 - Microfilm Equipment Installation for the Dept. of EMS	Rule 8	1464
O'Malley	Bill No. 3361 - Agreement with Addison Terrace Learning Center for the Pre-Teen Drug and Alcohol Prevention Program and transferring \$5,000.00 from CA 10 to CA 1447	Rule 8	1022
O'Malley	Bill No. 3024 - Agreement with Pgh. Action Against Rape counseling program for sexually abused children	Rule 8	707
O'Malley	Bill No. 3707 - Agreement with Community College for a training program-Bureau of Bldg. Inspection Amending Resolution 941/82	Rule 8	1279
O'Malley	Bill No. 3734 - Transferring 45,000.00 from CA 1143 - Wages to CA 1443-6 - In-Grade Pay	Rule 8	1310
Robinson	Bill No. 3735 - Changing R3 to C3 certain property on the westerly side Brownville Ave. between Alice St. and McKinley Ave. in the 30th Ward	Rule 8	1310
Robinson	Bill No. 3736 - Amending Resolution 1228/79 - Capital Budget by decreasing line item PW 80-23 and increasing line item PW 80-30	Rule 8	1310
Robinson	Bill No. 3743 - Agreement with Community Human Services of Oakland for the continued training and placement of CETA participants	Rule 8	1311
Robinson	Bill No. 3744 - Agreement with Esplen Citizens Council for the operation of Esplen Senior Citizens Center	Rule 8	1312
Robinson	Bill No. 3745 - Agreement with ElDarado for assistance with ElDarado Senior Citizens Program	Rule 8	1312
Robinson	Bill No. 3746 - Agreement with Youth City of Pgh. Inc. for a Thanksgiving dinner for needy people and transfer of 1,500.00 from CA 10 - Accounts Payable from CA 1838 - Misc. Services	Rule 8	1312

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Robinson	Bill No. 4021 - Transferring 2,500.00 from CA 1102 - Salaries to CA 1103 - Misc. Services	Rule 8	1512
Robinson	Bill No. 4025 - Application for Conditional Use on Middle St. for the Alcoholic Recovery Center, 23rd Ward	Rule 8	1513
Robinson	Bill No. 3027 - Changing the zoning from M4 to AP on Railroad St. between 23rd and 24th St., 2nd Ward	Rule 8	707
Robinson	Bill No. 3028 - Agreement with Oakland Planning and Development Corp. for continued involvement and execution of revitalization programs and projects	Rule 8	707
Robinson	Bill No. 3165 and 3166 - Grant application with HUD for the 1983 CDBG Emergency Jobs Bill Program	Rule 8	800
Robinson	Bill No. 3666 - Transferring \$197,009.16 from the 1983 CDBG Trust Fund to the General Fund	Rule 8	1237
Robinson	Bill No. 3677 - Requesting permission for Young, R. and Farmer, P. to travel to Philadelphia PA on 10-05-83 at the cost of \$650.00	Rule 8	1239
Robinson	Bill No. 3362 - Amending the Pgh. Code Title 10 - Building, Chapter 1043 - Land Operation by adding Section 1043.17 - Underground Public Utilities Power and Supply Lines	Rule 8	1022
Robinson	Bill No. 3363 - Amending the Pgh. Code Title 4 - Public Places by adding a Chapter - Transfer of Property	Rule 8	1023
Robinson	Bill No. 3990 - Conditional use application for 3342 Fifth Ave. by Allegheny County for female offenders	Rule 8	1478
Robinson	Bill No. 3438 - Amending the Capital Budget (1385/82) and also amending Section 10 of Resolution 167 so as to adjust several line items and to add "Emergency Jobs Bills"	Rule 8	1076
Robinson	Bill No. 2763 - Changing 1982 - 1984 Rule of Council by increasing certain fines and various regulations	Rule 8	487

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Robinson	Bill No. 3240 - Grant with HUD for Distribution to Minority Controlled financial institution	Rule 8	915
Robinson	Bill No. 3301 - Cooperation agreement with URA for the S. Aiken Offices Urban Development Action Grant	Rule 8	940
Robinson	Bill No. 2509 - Amending Chapter 659 by adding Section 659.05 Religious Symbol Practice Desecration and the renumbering of Section 659.05 Enforcement, to 659.06	Rule 8	216
Robinson	Bill No. 2250 - Professional study of the Police Department.	Rule 8	1
Robinson	Bill No. 3337 - Rescinding Council Bill 2963/81 an application for a grant in connection with the Liberty Center Urban Development Action Grant	Rule 8	986
Robinson	Bill No. 2542 - Requesting a primary ballot a question of hand gun control	Rule 8	254
Robinson	Bill No. 2543 - Ensuring fair and equitable business opportunities for minority and female owned firms when contracting with governmental units of the City of Pittsburgh	Rule 8	254
Robinson	Bill No. 2475 - Supplementing Ordinance 28/78, "Providing for participation programs for minorities and woman in business development," by providing for penalties for failure to comply.	Rule 8	198
Robinson	Bill No. 4201 - Grant from the Urban Consortium Energy Task Force for Energy Conservation Projects Model Decision Process Project	Rule 8	1628
Robinson	Amending Resolution 968/83 Bill No. 4156 - Lemington Home for Aged cooperation agreement with URA in administration of the UDAG Grant Amending Resolution 588/81	Rule 8	1591

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Robinson	Bill No. 3825 - Acquiring property in the 26th Ward to URA from the Housing Authority		
	Amending Resolution 306/83	Rule 8	1360
Robinson	Bill No. 3826 - Sale of various properties to various developers for \$1.00 per lot	Rule 8	1360
Robinson	Bill No. 3827 - Sale of various properties to various developers	Rule 8	1360
Robinson	Bill No. 3856 - Conditional Use application for 3501 Liberty Ave. for use by the Whale's Tale, as a Group Care Facility, 6th Ward	Rule 8	1399
Robinson	Bill No. 3858 - Agreement with Homewood Brushton Athletic Club, Inc. professional services related to their Sports Program and transferring 10,000.00 from CA 10 - Account Payable to CA 1838 - Misc. Services	Rule 8	1400
Stone	Bill No. 3859 - Application for a grant with the Urban Consortium Energy Task Force for the Energy Conservation Project Model Decision Process Project	Rule 8	1400
Stone	Bill No. 3897 - Amending the Pgh. Code Title 01 - Administer, Chapter 191 - Retirement, by adding Section 191.09 Service Increment Police Pension Fund	Rule 8	1426
Stone	Bill No. 4083 - Contract for furniture for the Law Department	Rule 8	1532
Stone	Bill No. 4098 - Appropriations for Conducting the business for the City of Pittsburgh beginning January 1, 1984	Rule 8	1534
Stone	Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning January 1, 1984	Rule 8	1534
Stone	Bill No. 4100 - Capital Budget and CDBG Adopting and approving for the City of Pittsburgh beginning January 1, 1984	Rule 8	1534
Stone	Bill No. 2434 - Additional benefits to Beneficiaries of Policemen's, Firemen's and Municipal Pension Fund	Rule 8	138

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	1149
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	801
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	139
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	495
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	355
Stone	ACTION Mortgage Delinquency Task Force	Rule 8	89
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	1168
Stone	48 hour mailing on all Resolutions and Ordinances	Rule 8	1023
Stone	Bill No. 2654 and 2655 - Creating Emergency Job Program Trust Fund	Rule 8	341
Stone	Bill No. 3442 - Rescinding Resolution No. 904/82 for the execution of land by and between URA and Seldom Seen Associates in the 19th and 20th Wards of the City of Pgh.	Rule 8	1076
Stone	Bill No. 3798 - Contract with Peat, Marwick, Mitchell and Co. for software	Rule 8	1338
Stone	Bill No. 3799 - Contract with Honeywell Information Systems for hardware	Rule 8	1338
Stone	Bill No. 3800 - Grant with PA Dept. of Labor and Industry for assistance with the Job Training Partnership Act Project	Rule 8	1338
Stone	Amending Resolution 603/83	Rule 8	1663
Stone	Bills introduced 12-19-83		
Stone	Bill No. 4026 - Transferring 5,000.00 from CA 1043 - Misc. Services to CA 1042-1 - Premium Pay	Rule 8	1513
Woods	Bill No. 3203 - Warrant to U.S. Dept. of Labor in the amount of 4,791.50	Rule 8	822
Woods	Bill No. 2912 - Agreement for services with Saint Clair Citizens Council	Rule 8	634
Woods	Bill No. 3340 - Warrant to the Four Seasons Clift Hotel in the amount of 299.70	Rule 8	986

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Woods	Bill No. 2847 - Agreement with Salvors Towing and storage of motor vehicles	Rule 8	559
Woods	48 hour mailing on all Resolutions and Ordinances	Rule 8	1514
Woods	48 hour mailing on all Resolutions and Ordinances	Rule 8	1280
Madoff	Bill No. 2789-A - Setting the wage for members at \$100.00 of the Pgh. Person- nel Appeals Board at \$100.00 per diem	Override Chair's Ruling	519
O'Malley	Bill No. 2692 - Louise Brown held in contempt of subpoena to appear before Council 3-9-83 - 10AM	Rescind Subpoena	387
Madoff	House Bill 229 - Income eligibility for property tax and rent rebate program	Letter of Support	1351
Stone	Grants and Donations	Sustain Mayor's Veto	1801
Madoff	Requesting that the hearing to discuss psychological test be televised	Televisе	1412
Woods	Bill No. 3130 - Agreement with a Consultants in connection with the Minority Purchasing Program	Take off The table	872
Madoff	Bill No. 2940 - Authorizing the Mayor to form a committee consisting of heavy equipment operators to evaluate used equipment for purchase by the City	Override Veto	771
O'Malley	Bill No. 2250 - Authorizing a professional study of the Pittsburgh Police Department	Override Veto	524
Robinson	Bill No. 2679 - Amending the Pitts- burgh Code, Fiscal Chapter 223 - Deposits requiring certain amounts be placed in minority controlled financial institutions	Override Veto	561

MOTIONS

SPEAKER	SUBJECT	MOTION	PAGE
Stone	Bill No. 4243 - Mayor's veto on Bill No. 4098 - Appropriations for conducting the business for the City of Pittsburgh beginning 1-1-84; and Bill No. 4099 - Salaries and the rate of compensation for officers and employees of the City of Pittsburgh beginning 1-1-84	Override Mayor's Veto	1756
Stone	Increasing Council's salary by 5,000.00 to make all salaries equal at 32,500.00	Override Mayor's Veto	1769
Stone	Bill No. 2623 - Cable Communication Training and Internship Program	Override Veto	491
Woods	Bill No. 2643 - Providing for the notification of plant closings, reduction or relocations	Override Veto	990
Givens	Waive for an amendment on Bill No. 2361 that already passed in committee	Waive	280

ORDINANCES PITTSBURGH CODE

BILL	TITLE	NO.	CHAPTER	PAGE
4199	Administration			
	By changing duties of various departments			1627, 1732
3209	Administration	151	Council	
	Changing the day of the regular meetings of Council from Monday to be held on Tuesday			797, 920
4076	Administration			
	Adding appropriate chapter to compensate members of boards, authorities, committees and commissions			1532
2491	Administration	147		
	Creating a Central Relocation Department			213
2507	Administration	161	Contracts	
	Making sealed bid procedure unnecessary			215, 447
3897	Administration	191	Retirement	
	By adding Section 191.09-Service Increment Police Pension Fund		1426, 1467	

**ORDINANCES
PITTSBURGH CODE**

BILL	TITLE	NO.	CHAPTER	PAGE
2641	Administration	161		
	Adding Section 161.20 - Residency and Minority requirements on certain construction projects			330
2871	Fiscal	241	Amusement Tax	
	Amending			596
2433	Fiscal	263	Real Property Tax	
	Correcting amount due upon each \$100.00 of the assessed valuation on land and buildings			138, 206
2221	Fiscal	201	City Treasurer	
	Tenant Registration Forms			5
2255	Fiscal	221	Contracts	
	Lock Box System - Deposit of Earned Income and Occupation Taxes in existing lock systems of authorized bank depository banks.			3, 76
4084	Fiscal	263	Real Property Tax	
	Imposing the Real Property Tax for 1984			1533, 1732
4085	Fiscal	246	Home Rule Earned Income Tax	
	Changing the rate of tax and be clarifying Property administrative procedure			1533, 1732
4086	Fiscal	256	Realty Transfer Tax	
	Changing the rate of tax and conforming the Exceptions to amendments of the Enabling Act			1533, 1732
4087	Fiscal	243	Business Privilege Tax	
	Changing the rate of tax			1533, 1732
4088	Fiscal	247	Institution and Service Tax	
	Changing the rate of tax			1533, 1732
4089	Fiscal	253	Parking Tax	
	Changing the rate of tax			1533, 1732
4090	Fiscal	241	Amusement Tax	
	Changing the general rate in Subsection (a)			1533, 1732
4091	Fiscal	245	Earned Income Tax	
	Changing the rate of tax			1533, 1732
4092	Fiscal	249	Mercantile License Tax	
	Changing the rate of tax			1533, 1732
4093	Fiscal	251	Business Related Tax	
	Changing the rate of tax			1534, 1732
4094	Fiscal	255	Realty Transfer Tax	
	Changing the rate of tax and conforming the Exceptions to amendments of the Enabling Act			1534, 1732
4095	Fiscal	261	Personal Property Tax	
	Changing the rate of tax			1534, 1732

**ORDINANCES
PITTSBURGH CODE**

BILL	TITLE	NO.	CHAPTER	PAGE
4027	Fiscal		Administration	
	Changing the rate of interest on Earned Income and Home Rule Tax			1513, 1580
4028	Fiscal	245	Business Taxes	
	Correcting a section number			1513, 1581
2679	Fiscal	223	Deposits	
	Requiring certain amounts be placed in minority controlled financial institutions			377, 497
3782	Fiscal	233	Sinking Fund	
	Requiring all monies deposited by in consistency with the City of Pittsburgh's policy and procedures			1336, 1427
3230	Water	317	Waste of Water	
	By revising the definition of responsibility			914
4096	Water	331	Usage Rates	
	Changing the rate of tax			1534, 1732
4097	Water	332	Unmetered Rates	
	Changing the rate of tax			1534, 1732
2538	Water	333	Ferrule Charge	
	Clarifying the property owner's liability			253, 369
2301	Public Places	425	Cable Communications	
	Lower subscriber rates and other charges to elderly subscribers.			23
3363	Public Places			
	By adding a Chapter - Transfer of Property			1023
3610	Traffic	503	Enforcement	
	Adding Section 503.21 Use of speeding time devices			1216, 1301 1320
2265	Traffic	521	Scofflaws	
	Redemption or sale by City at public auction in 30 days from date of certified mailing.			5, 83
2508	Conduct	603	Parades/Crowds	
	Prohibition of identity concealing devices			215
2509	Conduct	659	Unlawful Practices	
	By adding Section 659.05 - Religious Symbol Desecration and the renumbering of Section 659.05 Enforcement, to 659.06			216
2611	Conduct	617		
	Adding a new Chapter 617 - Use of Mechanical or Electronic Devices by School Children during School Hours			297

**ORDINANCES
PITTSBURGH CODE**

BILL	TITLE	NO.	CHAPTER	PAGE
2207	Conduct	633	Dogs and other Animals	
	Establishing a City low cost spay, neuter, and vaccination clinic			712
2208	Conduct	633	Dogs	
	Maintaining a Central Mammal Information Service			717
2678	Conduct	659	Unlawful Practice	
	Adding a new Section - Public Policy and Record			377, 497
3364	Conduct	633	Dogs	
	By adding Section 633.08(d)			1023
2680	Conduct	653	Human Relation	
	Investigate and secure the implementation of the City's Minority and Womens Business Participation Policy/Ordinance 28/78			377
2751	Business	763	Parking Lots	
	Adding additional safety requirements for the licensing and operation of open and enclosed parking lots			485
3946	Business	763	Parking Lots	
	Adding additional safety requirments for licensing of open and enclosed lots			1462, 1671
2792	Business	763	Parking Lots	
	Adding additional safety requirments for licensing and operation of parking lots			521
2828	Business	777	Amusement Devices	
	By requiring an annual license fee of \$125.00 for each machine on the premise			557
2537	Business	771	Amusement Places	
	Prohibiting minors in Amusement Arcades during certain specified hours of the school day			253, 314
2361	Business	741	Occupations	
	Amending 743, 745, 747, 749, 701, 713, 715, 717, 719, 721, 723, 763, 765, 771, 773, 777, and 779.			73, 280
2341	Fire	803	Amendments	
	Limiting the use of kerosene heaters and the storage of kerosene without use of a permit.			71, 478
2360	Fire	600	Airports	
	Amending 600.1, 600.5, 600.6, 600.7 and 600.8			73
2867	Fire	803	Amendments	
	Amending F-600.1, 600.5, 600.06, 600.7 and 600.8			596, 729

**ORDINANCES
PITTSBURGH CODE**

BILL	TITLE	NO.	CHAPTER	PAGE
1814	Zoning	909	Special Exceptions	
	Inserting Amusement Arcades in "C3", "C4", and "C5" Districts			161
2364	Zoning		Permits	
	Changing fee to \$6 for certain types of occupancy permit			74, 170
3989	Zoning	959	Regulating "C5"	
	Golden Triangle District			1478, 1669
3447	Zoning	993	Exceptions	
	By requiring the sponsor to file bi-annually with the Bureau of Building Inspection			1077, 1486
3448	Zoning	903	Group Care Facility	
	By excluding residents convicted of or awaiting trial for a felony			1077, 1486
3362	Building	1043	Land Operation	
	By adding Section 1043.17 - Underground Public Utilities - Power and Supply Lines			1022
2364	Building		Permits	
	Establishing fee of \$25 for recertification of Group Care Residence Facilities			74
2360	Building	1003		
	To include elevators, dumbwaiters and conveyor and installation of equipment			73
2868	Building	1003	Definitions	
	Amending various sections by adding definitions			596, 647

ZONING CHANGES

BILL	FROM	TO	LOCATION	WARD	PAGE
2625	R4 - C3	S - R2	Herron Ave. corridor between Bigelow Blvd. and Bedford Ave.	5	300, 687
3735	R3	C3	Brownville Ave. between Alice St. and McKinley Ave.	30	1310, 1519
3783	R3	M2	Butler St. between 55th and 56th Sts.	10	1336, 1519
2624	R4 - C4	S - R3	Certain property located in the South Side Community in the vicinity of Carson St., S. 4th St. and S. 27th St.	17	299, 721
	M3	A1 - M2			
	M3				

ZONING CHANGES

BILL	FROM	TO	LOCATION	WARD	PAGE
2727	R5	C3	Centre Ave. and S. Negley Ave.	7	429, 721
2945	RP - C3	CP	Penn and Shady Ave		
	M3			7	656, 1631
2545	C1	R2	Mountain Ave., Fisher St., and Ormsby St.	16	254, 604
1862	C3	A1	Penn Ave., Garden Way and 44th St.	9	81
3027	M4	AP	Railroad St. between 23rd and 24th St.	2	707, 924
2544	S	R3	Renova St., Hazelwood Section	15	254, 604
2837	M3	A1 - M1	S. 27th St., Carson St. and Sarah St.	16	558, 924
3824	R3	C3	S. Aiken Ave.	3	1360, 1520
3302	R2 - C1	C3	Sheraden Blvd		940, 1143
3196	R2	RP	Shiras Ave. between Los Angeles Ave. and Vodeli St.	19	822, 1197
1741	S - R4	M3	Vinial St. and Voskamp St.	24	417
3975	A1	C3	Western and Allegheny Ave.	22	1466

PETITIONS

BILL	PETITIONERS	REQUEST	PAGE
4164	28th Ward, Fairywood	Closing of Windgap Plaza Giant Eagle; Financial assistance and crime in the area	1592
2831	American Technical Student Institute	Continuation of their Clerical Word Processing Program which was funded by CAP	557
2789	Auto Glass Establishment	Enactment of legislation to regulate, license and tax on-street installation within the City	520
2970	Charles St. Block Club	Stop sign installation at the school bus and play areas of Charles St.	672
2849	Claybourne and Graham St. Area	Opposing construction of any large structures on URA Lot (51M 0250)	560
3730	Clayton Ave. Residents	Repaving and curb repair of Clayton Ave.	1310

PETITIONS

BILL	PETITIONERS	REQUEST	PAGE
2711	Concerned Neighbors Organization	Tioga Parklet, 13th Ward	427
2266	Custom Craft, Inc.	Demolition of Lowe St. Bridge	5
2536	Cypress St. Residents (8th Ward)	Changing Cypress St. between Edmond and Mathilda St. to a one-way street	253
3409	East North Side Residents	Opposition to the placing of Alcoholic Recover Centers in their neighborhood	1038
3073	Esplen area	Arson suspicion in Esplen area	743
3633	Fairywood Citizens Council	Assistance in providing jobs and safety improvements in the Fairywood Community	1220
3684	Fineview Citizens Council	Reconstruction of Lanark St., 25th Ward	1240
4166	Garfield Residents	Monies from UDAG loans to private developers	1592
3120	Homewood Residents ACORN	Police protection on Frankstown and Homewood Avenues	769
2268	Homewood-Brushton Residents	Banning of Video Games during school hours.	5
2331	Lincoln Place Council	Police protection on Interboro Ave.	69
3062	Mt. Washington Residents	Destruction of Mt. Washington Park	740
2267	Northside Residents	Permit Parking Program in the East Allegheny Area.	5
2969	Pittsburgh Neighborhood Alliance	Re-open Larimer Ave. through to Broad St.	672
3431	Pittsburgh Residents	Objecting to Warner Cable's rate increase	1073
3538	Pittsburgh Residents	Ordinance No. 21/83 - Plant Closing Notification/HEARING DENIED	1109
3729	Pittsburgh Residents	Pedestrian phase for the traffic signal at Fifth Ave. and Craig St.	1309
3771	Pittsburgh Residents	Rescind Highland Park traffic patterns	1334
4165	Pittsburgh Residents	Creation of the Water Authority	1592
2889	Pittsburgh residents	Warner Cable Corp.'s rate increase	599

PETITIONS

BILL	PETITIONERS	REQUEST	PAGE
2908	Pittsburgh residents	Special recreation and counseling programs for the unemployed family	633
2810	Pittsburgh's Concerned Citizens	Lack of Public Safety involved with the Saw Mill Run Blvd. Rock Slide 2-16-83	524
2314	S. Winebiddle St. Residents	One way street from Penn Ave. to Friendship Ave.	25
3840	Veterans of U.S. Military	Psychological portion of the Pittsburgh Police Exam	1392
2335	William J. Walters	Repeal Ordinance No. 462 of 1968 to release sale for 3362 Hazelwood Ave.	70

RESOLUTIONS

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3767		Design of Warrington Avenue Reconstruction	
3920		Amending Resolution 1018/79	1334, 1403
2496	A.M. Richard and Assoc.	Concord St. Retaining Wall	1457, 1523
3262	Ablebuilt Homes, Inc.	Liberty Ave. and Sixth Ave. excavation	214
		URA will provide financial assistance under the terms of the Neighborhood Housing Program	918, 1010
3404	Accounting Firm	Professional auditing services in connection with CETA	1037, 1123
3065	Ackenheil and Associates	Williams St. repairs	740, 811
3361	Addison Terrace Learning	Pre-Teen Drug and Alcohol Prevention Program and transferring \$5,000.00 from CA 10 to CA 1447	1022, 1043
2259	Administrator	Worker's Compensation Program	4; 77

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
2994	Advanced Technology Center	To identify research and development opportunities for Western Pennsylvania	676, 826
2480	Agency/Agencies	To provide labor market orientation service	199, 268
3625	Allegheny County	Consulting Services for Tax Assessment Case	1218, 1289
3883	Allegheny Conference On Community Development	Cost participation in the Reconstruction of Grant St., Phases I, II, IV	1424, 1485
2503	Allegheny County Institutional District	Payment and reimbursement to the city for the Federal Area Programs on Aging	215, 313
3464	Allegheny Sanitary Authority and Hampton Township	To enlarge to the area serviced by the Sanitary Authority and to include facilities located in Hampton Township	1100, 1178
2807	Allegheny County Private Industry Council and City of Pittsburgh	Joint cost in the establishment and operation of the Private Industry Council and Private Sector Initiative Programs	523, 641 644
2911	Alster, Ralph	S. Craig St. Commercial Area Amending Resolution 788/81	633, 690
2858	Architect/Engineer	Renovations to fire stations	594, 693
2665	Architect/Engineer	Construction in connection with the Special Populations Program	375, 512
2898	Architect/Engineer	Renovation to cell blocks in the Public Safety Building	631, 694
2977	Architect/Engineer	Riverview Pool Design and Construction	673, 728
3315	Architect/Engineer	Rehabilitation of EMS #1 and #2	982, 1044
3059	Architect/Engineer	Roof rehabilitation at various stations	740, 817
3089	Architect/Engineer	Frick Park access road	742
3581	Architect/Engineer	Relocation of Service Line Operation and Section and Meter Shop	1212, 1305
3136	Architect/Engineer	Renovation or installation of a new heating system at the 29th Street Garage	796, 928
3295	Architect/Engineer	Riverview Pool design	939, 1028
3296	Architect/Engineer	Fowler Pool and Park rehab Amending Resolution 1189/82	939, 1028

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3453	Architect/Engineer	Renovations to fire stations	1098, 1201
3852	Architect/Engineer	Paulson Pool and Bathhouse	
		Amending Resolution 1136/81	1398, 1470
2089	Architect/Engineer	Handicapped Accessibility at the Public Safety Building	210
2532	Architect/Engineer	Fire Headquarters renovation	252, 369
3012	Architect/Engineer	Design of the Law Department entranceway	678, 747
2466	Architect/Engineer	Master Plan of the Pittsburgh Zoo	196, 279
3117	Arlington Little League	Purchase of baseball uniforms and equipment	769, 816
2952	Auditing Services	CDBG Program - Third Party Contracts - to increase the funding authorization	
		Amending Resolution 539/82	657, 725
3303	Auditing Services	1981 and 1982 CDBG Program	941, 1027
3936	Baker, Michael Jr.	Hydroelectric Plant at Allegheny River	1460, 1518
2704	Bloomfield-Garfield Corp.	Physical redevelopment of Penn Ave. retail and residential district	426, 509 726
2472	Boro of Mt. Oliver Ambulance Corp.	Amending by deleting Ambulance Corp. and replacing with Boro.	197, 283
3552	Brashear Assoc.	Emergency Food Center	1139, 1197
2241	Brentwood Boro	Churchview Ave. Improvements	1, 79
3060	Buhl Planetarium	Renovations, design and construction	740, 817
3830	Byer, Lana M.	Stenographic Reporting Services	1361, 1429
3221	Carnegie Library	Rehabilitation of Central Branch	912, 1012
4193	Catholic Youth Association	Repairs to Stephen Foster Center	
		Amending Resolution 1325/82	1626, 1670
3780	Center for Victims of Violent Crime	Providing two additional employees	1336, 1410
3625	Certified Public Accountants and Economists	Consulting Services for Tax Assessment Case	1218, 1289
2349	Champions Assoc.	1983 Services	72, 174
3657	Chartiers Valley Gallery Center	Relocation of existing right of way and water line in the 7th Ward	1236, 1317
3625	City of Pittsburgh	Consulting Services for Tax Assessment Case	1218, 1289
2354	Civic Light Opera	1983 Performances	72, 175

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3500	Clean Cities Committee	Property Management and Maintenance Program	1105, 1193
2949	Clean Cities Committee	Employing economically disadvantaged youth	656, 722
2950	Clean Cities Committee	Employing economically disadvantaged youth	656, 722
2479	Clean Cities Committee	Amending Resolution 599/82	199, 268
		Amending to provide for an increase in the appropriation from \$35,000.00 to \$70,000.00	341
2654	Clean Cities Committee	Establishing Emergency Job Program	255, 364
2555	Clinical Pathology Facility, Inc.	Test for City employees which were exposed to pesticides	1279, 1324
3707	Community College	Training program-Bureau of Bldg. Inspection	1311, 1344
3743	Community Human Services	Amending Resolution 941/82	675, 778
2990	Community Organizational Development Corp.	Continued training and placement of CETA participants	427, 552
2710	Consolidated Rail Corp.	A program to provide financial assistance to small community based organizations	22, 92
2293	Consultant/s	Railroad facility at Water Treatment Plant	252, 365
2535	Consultant/s	P. J. McArdle Roadway - Amending to increase the project allocation by \$2,000.00	632, 682
2900	Consultant/s	Radcliffe St. Bridge for the inspection of fabricated structural steel. Amending Resolution 1353/82 to increase the project allocation by \$5,000.00	428, 550
2723	Consultant/s	Inspection of Fabricated Structural Steel in connection with the P.J. McArdle Bridge	770, 836
3130	Consultant/s	Amending Resolution 1352/82	913, 1005
3226	Consultant/s	Citizen Participation Process	
		Minority Purchasing Program	
		Design of Monroe St. reconstruction	
		Amending Resolution 851/82	

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3227	Consultant/s	Engineering services in connection with Street Lighting Design	913, 1005
3699	Consultant/s	Painting of Squirrel Hill and Herron Water Tanks	1278, 1366
3638	Consultant/s	Asbestos Inspections at City Facility	1234, 1325 1346
4198	Consultant/s	Provide and prepare Census Information	
2836	Consultant/s	Amending Resolution 880/82	1627, 1736
3124	Consulting Firm	Material testing	558, 646
2224	Consulting Firm	Indirect Cost Schedule	770, 824
3434	Contractors	Federal Assistance and funding.	6,
4132	Contractors	Pre-School Program/1983	1075, 1144
		Preschool, Community Education	
		Leisure Activites for the	
		Hadicapped and other	
		Recreational Programs	1577, 1635
2213	Contractors	1983 Preschool Program.	9,
3087	Contractors	Summer Recreation Program 1983	742, 815
2756	Contractors	1983 Visual and Performing Arts Program	486, 578
2465	Contractors	1983 Community Education, Environmental Learning and Leisure Activites for the Handicapped Program	196, 279
2260	Court Reporter	Civil Service Commission and Appeals Board hearings	4, 77
2605	D'Appolonia Consulting	Route 51 Rockfall	297, 410
2901	D'Appolonia Consulting	Route 51 Rockfall	632, 684
		Amending Resolution 216/83	719
3066	D'Appolonia Consulting	E. Sycamore St. short term stabilization	740, 811
2515	Data Processing	Computer processed microfiche services	216, 308
2348	Duquesne University	1983 Dance Performances	72, 174
3785	Economic Research Associates	West End Valley Economic and Market Analysis Study	1336, 1404
3745	ElDarado	ElDarado Senior Citizens	1312, 1345

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
2822	Engineer/Mechanic Inc.	Backfilling of LRT excavation at Liberty Ave. and Sixth Ave.	555, 643
2860	Engineering	In-depth Inspection of Frazier St. Davis Ave. and Shadeland Ave. Bridges	
		Amending Resolution 271/82	595, 682
2864	Engineering	Waterlines related to the Bloomfield Bridge	595, 690
3064	Engineering	Reconstruction of Arlington Ave. Amending Resolution 876/82	740, 810
3590	Engineering	Ft. Pitt Blvd. Rehabilitation	
		Amending Resolution 1327/82	1213, 1296
2387	Engineering	P. J. McArdle Roadway. Amending to increase project allocation by \$28,000.00	86, 207
2989	Ernest T. William Center and URA	Renovation of the community facility and day care center	675, 751
3744	Esplen Citizens Council	Operation of Esplen Senior Citizens Center	1312, 1345
2749	Fayette Engineering	In-depth inspection of the Heths Run and Meadow Street Bridges	485, 576
3297	Fowler Park	Rehabilitation	940, 1028
4175	Franklin, Earl B.	North Shore Marina	1624, 1735
3878	Gannett, Fleming Engineer	Inspection of Panther Hollow Bridge	1423, 1484
3879	Gannett, Fleming Engineer	Inspection of Panther Hollow Bridge	1423, 1484
4108	Gates, McDonald Co.	City's liabilities under the PA Unemployment Compensation Fund	1535, 1602
3882	Geo Mechanics Inc.	Design of the Goettman St. Wall Amending Resolution 750/83	1424, 1485
3465	Geo Mechanics, Inc.	Engineering services involved with PPG Place Excavations at Third Ave.	1100, 1178
3466	Geo Mechanics, Inc.	Engineering services involved with the rehabilitation of the Monogahlea Incline Support Wall	1100, 1178
3881	Glass Plaza Assoc.	Easement in the 1st Ward	1424, 1484
2997	Golden Carriage	Purchase of a van to provide transportation for the elderly	676, 751

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
4332	Grant St. Assoc.	Transfer of Building located at the corner of Grant St. and Fifth Ave., 1st Ward.	70
4033	Greater Pgh. Labor Management	Labor Management Committee Program with Grant Funds	1514, 1596
3653	Green International	Inspection of Pin Connection on Fort Pitt Blvd.	1236, 1317
2757	Hays and Associates	Art work for the Fowler Pool and Playground	486, 578
3058	Hill House Assoc.	Renovations at Hill House Kaufmann Center	739, 817
3858	Homewood-Brushton Athletic Club, Inc.	Professional services related their Sports Program	1400, 1441
2651	Homewood-Brushton Athletic Club Inc.	Services	341
2263	Hospitals and Physicans	Civil Service entrance and promotional exam	4, 78
3623	Hospitals and Physicans	Civil Service entrance and promotional exam	
3501	Housing Authority	Amending Resolution 35/83	1217, 1284
3061	Housing Authority	Implementation of programs Sidewalk installation at Morse School	1105, 1193
3784	Hunger Action Coalition	Hiring Emergency Food Assistance Aides	740, 817
2995	Independent Living Center	The study of wheelchair accessibility in the Downtown and Oakland area	1336, 1404
2909	Instructors	Training of police recruits	676, 778
3661	Instructors	Training of police recruits	633, 692
4195	Kingsley Assoc.	Amending Resolution 357/83	1237, 1318
3829	Law, Ruth	Youth Conseling Program	1626, 1670
3094	Law, Ruth	Stenographic Reporting Service	1361, 1429
4012	Lawrenceville Council	Stenographic Reporting Service	744, 802
4194	Legal Adovacy for Women	General rehabilitation to St. Augustine's School	1511, 1669
3503	Leggs Unlimited	Conseling and information	1626, 1670
		Implementation of Community Social Services	1105, 1193

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
4156	Lemington Home for Aged	Cooperation agreement with URA in administration of the UDAG Grant	
3137	Liff, Chetlin Assoc.	Amending Resolution 588/81 Design and installation of art work at No. 42 Fire Station, Chestnut St.	1591, 1631 796, 928
2991	Local Development Corps.	Neighborhood Local Activites	675, 778
3624	Mazzei, Joseph M.	Civil Service entrance and promotional exam	
2262	Mazzei, Joseph M.	Amending Resolution 34/83 Civil Service entrance and promotional exam	1218, 1284 4, 78
4059	Mellon Bank N.A.	Grant of an Easement	1529, 1604
2787	Moolin and Assoc.	In-depth Inspection of North Ave. and Brighton Road Bridge	517, 604
2748	Moolin and Assoc.	In-depth inspection of the 28th St. Bridge	485, 576
2953	Neighborhood Alliance	Implementation of the "Home Security Program"	657, 725 812
2992	Neighborhood Centers	Construction of a community facility	675, 751
3525	Non-Profit Entities	CDEG Emergency Job Bills Program/1983	1108, 1172
3742	Oakland Planning and Development Corp.	Continued involvement and execution of revitalization programs and projects	
3028	Oakland Planning and Development Corp.	Amending Resolution 425/83 Continued involvement and execution of revitalization programs and projects	1311, 1344 707, 753
2344	Ozanam Cultural Center	1983 Cultural Services	71, 174
3650	Parsons, Quade Brinckeroff and Douglas	Engineering for Street Lighting Design	
3024	Pgh. Action Against Rape	Amending Resolution 1261/81 Conseling program for sexually abused children	1235, 1316 707, 752
3141	Pgh. International Engineering, Inc.	In-depth inspection of the Second Ave. Bridge over Nine Mile Run	796, 921

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3591	Pgh. Testing Laboratory	P.J. McArdle Bridge Inspection	
2353	Pgh.-Allegheny County Cultural Alliance	Amending Resolution 1352/82	1214, 1296
2355	Pgh. Ballet Theatre	1983 Cultural Services	72, 175
2788	Pgh. International Engineering Service	1983 Performances	73, 176
2343	Pgh. Opera Inc.	In-Depth Inspection of the S. 12th St. Bridge	518, 604
2345	Pgh. Symphony	1983 Performances	71, 173
2352	Pgh. Wind Symphony	1983 Concerts	71, 174
3029	Port Authority	1983 Performances	72, 175
		Hill District and Oakland Loop Bus	708, 779
3321	Port Authority	Light Rail Transit Project	983, 1026
3467	Port Authority	Reimbursement for the maintenance and/or reconstruction of the bus lanes	1100, 1179
4078	Port Authority	Model Neighborhood Reduced Fare Bus Loop	
4079	Port Authority	Amending Resolution 441/80	1532, 1606
		Model Neighborhood Reduced Fare Bus Loop	
3692	Port Authority	Amending Resolution 406/82	1532, 1607
		Exchanging ownership and maintenance of the Duquense Incline Footbridge	1277, 1340
3401	Price Waterhouse	Comprehensive Water and Wastewater Authority	1365
2261	Psychological Service	Financial Feasibility Study	1037, 1123
3095	Psychological Service	Civil Service entrance and promotional exam	4, 78
		Civil Service entrance and promotional exam	
4075	Psychologist	Amending Resolution 33/83	744, 803
2597	Real Estate Appraisers	Police Department	1531, 1704
		Purchase or sale of real property by the City for the calendar year 1983	295, 420
3294	Riverview Pool	Rehabilitation	939, 1028
2981	Robert Morris College		
2346	Robert Morris College	Oktoberfest 1983	674, 760
		1983 Pittsburgh Folk Festival	72, 174

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
2473	Salvation Army	The Public Inebriate Program	197, 284
2847	Salvors	Towing and storage of motor vehicles	559, 614
3625	School District of Pgh.	Consulting Services for Tax Assessment Case	1218, 1289
2429	Services	Design of waterline installation in Saline St. and Boundary St.	138, 223
2912	Services	Saint Clair Citizens Council	634, 691
3138	Services	Elevator maintenance at various facilities	796, 928
2753	Services	Design of South Side Park Amending Resolution 243/80	485, 577
2755	Services	1983 Festival, Senior Citizens, Special Events and Concerts	486, 577
2617	Services	Programming for the development of the New Pittsburgh Zoo	298, 419
2734	Services	Arbitration and negotiation proceedings	430, 537
3553	South Oakland Citizens Council	Community Printing Project	1139, 1197
2996	South Oakland Citizens Council	Purchase and renovation of a structure for use as a social services center	676, 751
3504	Spring Garden Neighbor Council	Operation of Neighborhood Information and Improvement Program	1105, 1193
3288	St. Ursaline Academy	Construction of ramps for the handicapped	938, 1026
3119	Stadium Authority and City of Pgh.	Amending Resolution 1087/81 Paramedic Services at certain events	769, 850
2398	Staud, James K.	Veterinarian Services	87, 223
3497	Support our Neighborhood Action Coalition	Identify and promote a Buy Pittsburgh Area Products Campaign	1104, 1182
2347	Three Rivers Arts Festival	1983 Three Rivers Arts Festival	72, 174
2656	Touche-Ross and Co.	Computer based system for the Controller	342, 445
3356	U.S. Dept. of Interior	License to install mine drainage piping in certain land owned by the City of Pgh, 31st Ward	1021, 1079
3502	URA	Implementation of programs	1105, 1193

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
3301	URA	S. Aiken Offices Urban Development Action Grant	940, 1010
3872	URA	Design and rehabilitation of 7323 Frankstown Ave. for use as an elderly day care center	1423, 1490
3739	URA	Transferring \$7,000.00 to URA from the City's Upper Strip District Technical Assistance District	1311, 1344
3741	URA	Administration of Enterprise Development Area Program	1311, 1344
3635	URA	Chestnut St., Fire Station	1233, 1306
4082	URA	Amending Resolution 933/76 Administration of the Liberty Center (UDAG)	1532, 1614
3338	URA	Administration of City Programs	986, 1041
3241	URA	Property Management and Maintenance Program	915, 1006
3030	URA	Amending Resolution 249/83 Decreasing the amount allocated for the Hill District Project Area Committee	708, 781
2838	URA	Amending Resolution 589/81	558, 750
2839	URA	1983 CDBG	558, 644
2716	URA	1983 CDBG	428, 548
2683	URA	Silver Lake Urban Development Action Grant Phase II	378, 508
2253	URA	Property Management and Maintenance Program.	3, 81
2162	URA	Amending Resolution 443/80	268
2365	URA	1983 Blight Prevention Program Fiscal Agent	74, 222
3167	URA and Womens Space East	Manchester Conservation Area Project	800, 924
2993	URA and United Cerebral Palsy	Purchase of property located at 2001 Fifth Ave.	675, 751
		Installation of a elevator to assist the elderly in using the facility	

AGREEMENTS

BILL	SUBJECT	REASON	PAGE
2437	University Health Center	Medical operations direction with EMS	1075, 1144
2351	Uptown Athletic Assoc.	1983 Services	72, 175
2350	Uptown Little League	1983 Services	72, 175
3505	Urban Youth Action Inc.	Operation of a education work experience program	1105, 1193
2733	Various Agencies	Summer Youth Employment Program	430, 537
3011	Various Agencies	Summer Youth Employment Program	
		Amending Resolution 262/83	678, 747
4058	Various Property	Stanley Theatre Renovations	1529, 1667
4205	Volpe-Rogal, Inc.	Workers' Compensation Program	1628, 1734
3157	W. PA. Conservancy	Planting and Landscape Development Project	798, 926
3506	Welfare Rights Organization	Providing counseling to low and moderate income residents	1105, 1193
2988	West End Health Center	To assist in the purchase of the building at 441 S. Main St.	
		Amending Resolution No. 1088/81	675, 750
3749	William Mercer, Inc.	Actuarial services in connection with the Municipal Pension Fund and the Policemen's and Firemen's Relief and Pension Fund	1312, 1363
3750	William Mercer, Inc.	Conduct a comprehensive review of the medical benefit package	1313, 1363
3842	Williams, Trebilcock and Whitehead	City-County Bldg. - 9th Floor Renovations	1397, 1468
3121	YMCA - Lower Hill	Transportation to Summer Day Camp	769, 816
3746	Youth City of Pgh., Inc.	Thanksgiving dinner for needy people	1312, 1346

APPOINTMENTS

BILL	SUBJECT	APPOINTED TO	PAGE
3549	Comay, Deborah	Magistrate of City Court	1127, 1161
2639	Drescher, Ruth	Commission on Human Relations	323
2638	Gallagher, William	Commission on Human Relations	323
2273	George Jacoby	Director, Supplies Department	9, 25
2635	Madoff, Michelle	Commission on Human Relations	320

APPOINTMENTS

BILL	SUBJECT	APPOINTED TO	PAGE
2636	Mason, Dorthea	Commission on Human Relations	322
4216	McDermott, Paul	Director, Dept. of Engineering and Construction	1642
2571	Merrell, Wallace	Board of Code Review	286
2572	Merrell, Wallace	Board of Code Review	287, 342
2570	Mulloney, Peter	Board of the Stadium Authority	286
2637	Reeds, Pinkie	Commission on Human Relations	322
3910	Sciullo, John J.	City Planning Commission	1451
3911	Sciullo, John J.	City Planning Commission	1451
3911	Scuillo, John J.	City Planning Commission	1479
4214	Smith, Daryl H.	Director, Dept. of Water	1637

RE-APPOINTMENTS

BILL	SUBJECT	RE-APPOINTED TO	PAGE
2584	Alster, Ralph	Historic Review Commission	288
2585	Alster, Ralph	Historic Review Commission	288
2580	Begis, Matthew	Board of Code Review	288
2581	Begis, Matthew	Board of Code Review	288
4217	Bulls, James	ALCOSAN	1646
2578	Caplan, Audrey	Board of Code Review	287
2579	Caplan, Audrey	Board of Code Review	288
2576	Claitman, Edward	Board of Code Review	287
2577	Claitman, Edward	Board of Code Review	287
2319	Davis, J.	Pittsburgh Cable Communication Advisory Board	63
2321	Friedman, Wm.	Pittsburgh Cable Communication Advisory Board	63
2320	Hughes, H.	Pittsburgh Cable Communication Advisory Board	63
2586	Ivey, Joan Davis	Historic Review Commission	288
2587	Ivey, Joan Davis	Historic Review Commission	288
3053	James, Joseph	Magistrate of City Court	734
3054	James, Joseph	Magistrate of City Court	734
2574-A	Liff, Bernard	Board of Code Review	287
2575	Liff, Bernard	Board of Code Review	287
2588	Liff, Bernard	Board of Standards and Appeals	288
2589	Liff, Bernard	Board of Standards and Appeals	289
3052	Little, Walter R.	Magistrate of City Court	734
3051	Little, Walter R.	Magistrate of City Court	734

RE-APPOINTMENTS

BILL	SUBJECT	RE-APPOINTED TO	PAGE
2573	Mayo, Maxwell	Board of Code Review	287
2574	Mayo, Maxwell	Board of Code Review	287
2594	Meade, Marilyn	Sinking Fund Commission	289
2595	Meade, Marilyn	Sinking Fund Commission	289
2582	Miller, David	Historic Review Commission	288
2583	Miller, David	Historic Review Commission	288
2592	Mullen, John	Board of Standards and Appeals	289
2593	Mullen, John	Board of Standards and Appeals	289
2318	Sharapan, H.	Pittsburgh Cable Communication Advisory Board	63
2322	Tyler, M.	Pittsburgh Cable Communication Advisory Board	63
2590	Zern, Robert	Board of Standards and Appeals	289
2591	Zern, Robert	Board of Standards and Appeals	289

BANKS AND LENDING INSTITUTIONS

BILL	SUBJECT	REASON	PAGE
4134	Banks and Lending Institutions	Act as depositories for 1984 in accordance with Pgh. Code	1578, 1630

BONDS

3366	General Obligation Bond in the principal amount of \$90,000,000.00	1023, 1149
3367	General Obligation Bond in the principal amount of \$90,000,000.00, to be sold on or about August 4, 1983	1023, 1149

CABLE COMMUNICATIONS

BILL	SUBJECT	REASON	PAGE
2239	Cable Communications	Broadcasting of all of Council's legislative sessions and standing committee meetings.	1, 26
2623	Establishing	Cable Communication Training and Internship Program for the City of Pittsburgh	299, 410
2764	City of Pittsburgh and Warner Cable Corp.	Terminating Cable Communications agreements and contracts	487

CAPITAL BUDGET

BILL	SUBJECT	REASON	PAGE
2681	1983 Budget	Re-opening for consideration of all budgetary items presented and approved during 1982	377, 503

BILL	AMENDING	REASON	PAGE
4100		Adopting and approving for the City of Pittsburgh beginning January 1, 1984	1534, 1719
2978	1385/82	Adding a new project - Riverview Pool design and construction	673, 728
3331	1385/82	Adding a new project North Shore Development Project	985, 1043
2947	1385/82	Adjusting New Project Authorizations for several line items	656, 722
2366	1445/81	Adjusting line item authorizations to be funded with CDBG funds	74, 170
3438	1385/82	Also amending Section 10 of Resolution 167 so as to adjust several line items and to add "Emergency Jobs Bills"	1076, 1124
3382	1385/82	Amending the title of a line item, increasing project allocations and adjusting the summary totals	1034, 1079
3593	1385/82	By amending various line items and adjusting the Summary Totals	1214, 1298
3649	1385/82	By creating new line items and the Summary Totals	1235, 1316
3880	1385/82	By increasing line item PW 83-02 by 127,000.00 and correcting a typographical error	1424, 1485

CAPITAL BUDGET

BILL	AMENDING	REASON	PAGE
3493	1385/82	By increasing the amounts provided from PR 83-11 and PR 83-20	1104, 1200
2934	1385/82	Changing a new line item and adjusting the summary totals	653, 686
2296	1445/81	Combine line items WD-82-8 and W WD-82-09, Water Department	23, 105
2467	1430/81	Correcting prior year funds, transferring monies from South Side Riverfront Park to Project Specific Trust Fund and increasing the funds allocated to Phipps Conservatory	196, 279
2497	1385/82	Creating a new line item and adjusting summary title	214, 310
2943	1385/82	Creating new line item WD-83-22 and adjusting summary totals	655, 727
2823	1385/82	Creating new line items and adjusting summary totals	556, 643
3144	1385/82	Creating new line items and adjusting summary totals	797, 922
3937	1385/82	Creating new line items and adjusting summary totals	1460, 1518
3731	1385/82	Decreasing line item WD 83-09 and creating line item WD 83-23	1310, 1366
4155	1228/80	Decreasing line item WD-80-06; adding WD-80-15; and increasing line item CC-80-01	1591, 1631
4071	1385/82	Decreasing the appropriation for line item WD-83-09 and increasing the appropriation for line item WD-83-23	1531, 1614
2835	1385/82	Increasing amount provided for PR 83-11 and PR 83-20	557, 646
3293	1385/82	Increasing funds for Riverview Pool design	939, 1028
2702	1385/82	Redefining funding sources	426, 508
2607	1445/81	Redefining funding sources	297, 410
2608	1385/82	Redefining funding sources	297
3468	1445/81	Redefining funding sources for PW 82-08	1100, 1179
2356	1229/80	Transfer monies from the Southside Riverfront Park to a Project Specific Trust Fund	73, 176
2394	1385/82	Transferring monies to PR 83-13, 4-10-10-1056-83 Friendship Park Renovation	87, 209

COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

BILL	AMENDING REASON	PAGE
4100	Adopting and approving for the City of Pittsburgh beginning January 1, 1984	1534, 1719
3786	1439/81 Trasferring \$53,300.00 from PW 82-31, Arlington Ave. to PW 82-09, Windom St. Slide	1336, 1404

**GENERAL FUND
APPROPRIATIONS**

BILL	AMENDING REASON	PAGE
4098	Conducting the business for the City of Pittsburgh beginning January 1, 1984	1534, 1719
2939	\$2,000,000.00 from the operating budget for the re-opening of McArdle Roadway	655
2553	1383/82 Correcting the appropriation amounts for various code accounts	254, 357
2655	1383/82 Increasing the Deed Transfer Tax revenue estimate to \$6,380,000.00 and creating Code Account 1100-1 - "Transfer of Emergency Job Program Trust Fund	341, 407

SALARIES

BILL	AMENDING REASON	PAGE
4098	Conducting the business for the City of Pittsburgh beginning January 1, 1984	1534, 1719
2554	1384/83 Amending and supplementing various portions of various pages	255, 357

REDEFINING FUNDING SOURCE

BILL	AMOUNT	FROM	TO	PAGE
2437	CARRY-OVER	1982 Code Accounts	1983 Code Accounts	139, 357
2302	1,167.00	PWOP	ESPNP	24, 93
4010	1,250.00	CA 1544-1 - Chartier Flood Protection	CFFP Trust Fund	1510, 1579
3746	1,500.00	CA 10 - Accounts Payable	CA 1838 - Misc. Services	1312, 1346
3322	2,500.00	CA 1621 - Material	CA 1612-1 - Repairs	983, 1038
4021	2,500.00	CA 1102 - Salaries	CA 1103 - Misc. Services	1512, 1538 1582
3551	3,000.00	CA 1802 - Supplies	CA 1828-1 - Premium Pay	1139, 1177
2651	3,000.00		1838	341, 468
4026	5,000.00	CA 1043 - Misc. Services	CA 1042-1 - Premium Pay	1513, 1538
3970	5,000.00	CA 1022 - Salaries	CA 1022-1 - Premium Pay	1465, 1517
3361	5,000.00	CA 10 - Prior Year	CA 1447 - Misc. Service	1022, 1043
3831	5,000.00	CA 1017 - Misc. Services	CA 1020 - Equipment	1361, 1429
3524	5,000.00	CA 1100 - Misc. Services	CA 1099-1 - Premium Pay	1107, 1172
3586	5,000.00	CA 1612 - Materials	CA 1612-1 - Repairs (2,500.00) and CA 1612-2 Equipment (2,500.00)	1213, 1283
3010	5,500.00	CA 10 - Prior Year	CA 1838 - Misc. Service	678, 746
3622	6,000.00	CA 1051 - Equipment	CA 1049 - Supplies	1217, 1284
3919	6,000.00	CA 1363 - Materials	CA 1364 - Repairs	1457, 1515
4204	7,000.00	CA 1024-2 Constable Warrants Fund	Constables Warrant Trust Fund	1628, 1734
3918	7,000.00	CA 1362-2 - Electric Current	CA 1362 - Supplies	1457, 1515
3772	7,500.00	CA 1703 - Utilities	CA 1704 - Supplies	1334, 1402
3392	9,000.00	CA 1457 - Uniforms and Equipment	CA 1446-1 - Investigation	1035, 1121
3968	9,000.00	CA 49 - Reserve Fund	CA 43-1 - Refunds	1465, 1517
4074	9,000.00	CA 1457 - Uniforms and Equipment	CA 1446-1 - Investigation	1531, 1601
2869	9,900.00	CA 1457 - Uniforms and Equipment	CA 1446-1 - Investigation	596, 664

REDEFINING FUNDING SOURCE

BILL	AMOUNT	FROM	TO	PAGE
3118	10,000.00	EMS Third Party Payer Trust Fund	Asphalt Reimbursement Trust Fund	769, 919
3858	10,000.00	CA 10 - Account Payable	CA 1838 - Misc. Services	1400, 1441
4032	11,000.00	CA 49 - Reserve Fund	CA 1100 - Misc. Services	1514, 1595
3691	12,000.00	CA 1169 - Wages	CA 1174 - Rentals	1277, 1339
4069	15,000.00	CA 1703 - Utilities	CA 1709 - Refunds	1531, 1600
3774	15,000.00	CA 1818 - Wages	CA 1800-1 - Premium Pay	1335, 1364
4153	15,000.00	CA 1818 - Wages	CA 1800-1 - Premium Pay	1590, 1630
3988	18,000.00	CA 1470 - Uniform Allowance	CA 1463 - Misc. Services and CA 1464 Supplies	1478, 1536
3809	19,400.00	CA 1362-2 - Electric Current	CA 1361 - Misc. Services	1358, 1428
2917	20,000.00	CA 41 - Refunds	RERTFA	634, 681
3482	25,000.00	CA 1703 - Utility	CA 1701 - Misc. Service	1102, 1170
3815	25,000.00	CA 1612-4 - Salt	CA 1612-5 - Rental	1358, 1403
3930	25,000.00	CA 1612-4 - Salt	CA 1612-5 - Rental	1459, 1515
3748	28,750.00	CA 1063 - Misc. Services	CA 1066 - Equipment	1312, 1362
3129	30,000.00	CA 1146	CA 1128	770, 824
2689	34,000.00	Unrestricted Cash Mayor's Office	Unrestricted Cash City Planning	379, 506
2257	34,000.00	Unrestricted Cash Mayor's Office	Unrestricted Cash City Planning	4, 77
3691	38,000.00	CA 1170 - Wages	CA 1174 - Rentals	1277, 1339
3734	45,000.00	CA 1143 - Wages	CA 1443-6 In-Grade Pay	1310, 1339
4031	50,000.00	CA 49 - Reserve Fund	CA 51 - Dept. Postage	1514, 1581
3329	50,000.00	SSFSP #1	SSFSP #2	984, 1025 1040
2514	50,000.00	1060	1061	216, 307
3773	50,000.00	CA 1818 - Wages	CA 1825 - Wages	1334, 1364
3691	50,000.00	CA 1647 - Wages	CA 1174 - Rentals	1277, 1339

REDEFINING FUNDING SOURCE

BILL	AMOUNT	FROM	TO	PAGE
2705	60,000.00	1612 - Materials	1610 - Misc. Services	426, 532
4147	75,000.00	CA 1660 - Salaries	CCTF	1589, 1664
3665	103,798.26	1982 CDBG Trust Fund	General Fund	1237, 1290
3664	105,477.30	1982 CDBG Trust Fund	General Fund	1237, 1290
3779	175,000.00	CA 1461 -	CA 1461 -1	
			CA 1461 -2	1336, 1402
2795	175,375.00	CA 1423 - EMNEAS EMSEP - EMSTPP	Emergency Medical Services Communication Project Trust Fund	522, 574
3666	197,009.16	1983 CDBG Trust Fund	General Fund	1237, 1290
3656	200,000.00	CA 1703 - Utilities	CA 1702 - Municipal Obligations - Water	1236, 1315
3663	200,000.00	1981 CDBG Trust Fund	General Fund	1237, 1290
2342	218,000.00	1843	SCPTF	71, 142
2311	219,119.00	CETA	General Fund - 1983	25, 95
2688	225,000.00	Unrestricted Cash Housing Dept.	Unrestricted Cash Fire Dept.	379, 506
3901	282,500.00	Dept. of Supplies	Dept. of Supplies	1427, 1483
3433	400,000.00	1983 CDGBTF - CA CDPR - Housing Authority	General Fund	1075, 1169
3009	458,000.00	CA 46 - Judgements	SSFSPTF	678, 746
3969	1,400,000.00	CA 41 - Refunds	RERTFA	1465, 1517
2654	1,750,000.00	1100-1	Emergency Jobs Program Trust Fund	341
4068	4,300,000.00	Water Fund	General Fund	1531, 1598 1630

SPECIAL PAYROLL CREATION CITY CONTROLLER'S OFFICE

3860	Controller's employees in lieu of compensatory time in the out of court settlement in reference to the computer system	1400, 1467
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TRUST FUND CREATION

BILL	TRUST FUND CREATED	PAGE
3400	Controller's Financial Management	
	Information System (CFMIS)	1036, 1123
2654	Emergency Jobs Program (EJPTF)	341, 403
2305	Infrastructure	199
2215	Animal Control and Animal Welfare	309
2731	Salvation Army Emergency Food Fund	429, 537
2294	Voluntary Head Tax	22, 79
3971	Emergency Jobs Program (EJPTF)	
	Amending Resolution 214/83	1466, 1518

CERTIFICATE OF APPROPRIATENESS

BILL	STREET	BLOCK	WARD	PAGE
3441	1st and 2nd Wards		1&2	1076, 1143
3439	21st Ward		21	1076, 1142
3614	21st Ward		21	1217, 1242
3440	22st Ward		21	1076, 1143
2367	Bidwell St./1104	22-R-184	21	74, 170
2217	Buena Vista St./1200	23-N-56	22	7
2218	Columbus Ave./1411	22-K-10	21	7
2725	Columbus Ave./1432	22-B-249	21	429, 551
2367	Columbus St./1406	22-F-255	21	74, 170
2217	Eloise St./408	23-K-97	22	7
2217	Eloise St./410	23-K-97A	22	7
3242	Faulsey Way/1413	7-B-228	21	916, 1006
2219	Fifth Ave./204	1-H-123	02	7
2954	Fifth Ave./204	1-H-123	2	657, 725
2550	Hamlin Way/1419-25	7-B-338	21	255, 367
2218	Juniata St./1322	22-K-82	21	7
2218	Juniata St./1332	22-K-88	21	7
2218	Juniata St./1334	22-K-190	21	7
3242	Juniata St./1334	22-K-090	21	916, 1006
2218	Lake St./1325	22-K-79	21	7
2218	Lake St./1327	22-K-80	21	7
2367	Liverpool St./1118	22-L-224	21	74, 170
2367	Liverpool St./1240	22-L-260	21	74, 170
2956	Manchester Historic District		21	657, 726
3890	Manchester Historic Structures		21	1425, 1487

CERTIFICATE OF APPROPRIATENESS

BILL	STREET	BLOCK	WARD	PAGE
3612	Market Place/23	1-D-127	1	1216, 1242
2219	Market Place/23	1-D-128	01	7
3612	Market Place/25	1-D-130	1	1216, 1242
2219	Market Place/3	1-D-218	01	7
2368	Market Square/23	1-D-127	01	74, 171
2548	Market St./441	L-D-149	01	254, 367
3738	Mexican War Streets		22	1311, 1343
3891	Monterey St./1218	23-J-268	22	1425, 1487
3243	Monterey St./1220	23-J-267	22	916, 1007
3170	Monterey St./924	23-J-257	22	801, 924
3615	N. Taylor Ave./404	22-K-62	22	1217, 1242
2551	N. Taylor Ave./416	23-K-068	22	255, 367
3170	N. Taylor Ave./416	23-K-68	22	801, 924
2957	N. Taylor Ave./525	23-J-253	22	657, 726
3244	N. Taylor Ave./527	23-J-254	22	916, 1007
2726	N. Taylor St./518	23-J-212	21	429, 551
2726	N. Taylor St./525	23-J-253	21	429, 551
2367	Page St./1419	007-B-171	21	74, 170
3169	Page St./1431	7-B-127	21	800, 924
3243	Palo Alto St./1247	23-K-128	22	916, 1007
3613	Pennsylvania Ave./1323	22-P-165	21	1216, 1242
2218	Pennsylvania Ave./1413	22-P-180	21	7
2367	Sedgwick St./1607-1613	22-L-092	21	74, 170
2218	Sheffield St./1112	22-R-159	21	7
2367	Sheffield St./1131	22-R-214	21	74, 170
2367	Sheffield St./1133	22-R-215	21	74, 170
3613	Sheffield St./1234-42	22-R-164	21	1216, 1242
2218	Sheffield St./1434	22-P-137	21	7
2218	Sheffield St./1436	22-P-138	21	7
3891	Sherman Ave./1303	23-K-179A	22	1425, 1487
2955	Tennyson Ave./210	27-G-227	4	657, 726
3168	Tennyson Ave./215	27-L-51	4	800, 924
2549	Tennyson Ave./218	27-G-216	04	254, 367
3171	Various Residential Buildings		21	801, 925
3737	W. North Ave./1018	022-S-031	21	1311, 1343
2550	W. North Ave./1223	7-C-017	21	255, 367
2367	W. North Ave./1225	007-C-015	21	74, 170
2550	W. North Ave./1330	7-B-354	21	255, 367
3242	W. North Ave./1334	7-B-151	21	916, 1006
2367	W. North Ave./1440	007-B-323	21	74, 170
2724	W. North Ave./1330	7-B-354	21	429, 551

CITY COUNCIL

BILL	SUBJECT	REASON	PAGE
2715	Legal Advisor	Employment and selection for Pittsburgh's City Council	428, 533
2763	Rules of Council	Changing 1982 - 1984 by increasing certain fines and various regulations	487, 537

CITY PLANNING

BILL	SUBJECT	REASON	PAGE
2682	Ordinance 28/78	Comply with provisions in regard to minority participation	378

CONDITIONAL USE APPLICATION

BILL	LOCATION	APPLYING	WARD	PAGE
3499	Allegheny Ave.	Community College of Allegheny County	22	1104, 1192
3993	Arch St./1400	Divine Providence Hospital for and extension	22	1478, 1540
2798	Baum Blvd./5418	Wendy's of Greater Pittsburgh	08	522, 605
2765	Blvd. of the Allies and Marion Street	Mercy Hospital of Pittsburgh to construct private hospital heliport	01	487, 750
4024	Bricelyn St.	Alternative Program Associates	13	1512, 1569
2216	Brownsville Rd	Housing for the Elderly	29	269
2799	Centre Ave.	House of the Crossroads	05	522, 605
4022	E. Ohio St.	Alcoholic Recovery Center Denied by Planning Commission	23	1512, 1541
3992	Fifth Ave. and Craft Ave.	Magee Women Hospital for a Research Development Facility	04	1478, 1539
3990	Fifth Ave./3342	Allegheny County for female offenders	04	1478, 1521
2252	Lemington Ave	Lemington Residential Corp.	12	3, 81
3856	Liberty Ave.	Whale's Tale, as a Group Care Facility	06	1399, 1438
4025	Middle St.	Alcoholic Recovery Center	23	1513, 1541
4077	Murray Ave.	Two-story parking garage	14	1532, 1606
3991	Negley Ave.	Podiatry Hospital of Pgh.	08	1478, 1539
2728	O'Hara St. and DeSota St.	Western Psychiatric Institute five story rear addition	04	429, 551

CONDITIONAL USE APPLICATION

BILL	LOCATION	APPLYING	WARD	PAGE
1863	Penn Ave. and 44th St.	Mellon-Stuart Realty Company	09	81
4197	Ross St.	Jones Law Bldg. to be used as a County Jail Facility	01	1627, 1736
2546	Shady Ave./500	Children's Onocology Services of Pittsburgh	07	254, 366
1864	Sherman Ave.	Divine Providence Hospital	22	48
3197	Shiras Ave.	31 unit housing for the elderly at the Lee School Site	19	822, 1197
2946	Stevenson and Locust St.	5-story administration and physician's offices building	01	656, 721
4023	Tripoli St.	Alcholic Recovery Center Denied by Planning Commission	23	1512, 1541

CONDITIONAL USE APPLICATION DENIAL

BILL	APPLYING	PAGE
3039	For Conditional Use - No. 467 by Ellwest Stereo Theatres, Inc. at 228 Forbes Ave.	710, 826

CONTRACTS

CITY CONTROLLER JOHN E. MCGRADY

BILL	SUBJECT	CONTRACT	PAGE
3799	Honeywell Information Systems	Hardware	1338, 1364
4206	Office Equipment	Delivery	
	City Controller's Office		1629, 1737
3798	Peat, Marwick, Mitchell and Co.	Software	1338, 1364

CONTRACTS

EMERGENCY MEDICAL SERVICES GLENN CANNON, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3498	Computer equipment for EMS	Delivery	1104, 1198
2539	Emergency Medical Services facilities	Renovation	253, 419
3436	Envelope of Life Program	Delivery	1075, 1144
2796	Frequency Modulated Radio	Delivery	522, 576
2471	Interior Shelves/Rescue Units	Delivery	197, 278
3956	Microfilm Equipment	Installation	1464, 1489

ENVIRONMENTAL SERVICES JAMES NORMAN WALKER, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
2362	Office equipment and furniture for the Fire Department	Delivery	74, 171

FIRE DEPARTMENT CHARLES LEWIS, CHIEF

BILL	SUBJECT	CONTRACT	PAGE
2761	Condemned Buildings	Demolition	487, 578
2797	Condemned Buildings	Demolition	522, 615
3888	Fire Department Furniture	Delivery	1425, 1488
2713	Removal of condemned buildings	Demolition	427, 552

DEPARTMENT OF LANDS AND BUILDINGS DARYL H. SMITH, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3456	29th Street Garage	Heating System	1099, 1201
3922	Aviary/HVAC System	Repairs	1458, 1524
3921	Bloomfield Recreation Center	Renovations	1458, 1523
3457	Cell Block area/PSB	Renovations	1099, 1201
3920	Concord St. Retaining Wall	Repair	1457, 1523

CONTRACTS

DEPARTMENT OF LANDS AND BUILDINGS DARYL H. SMITH, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3182	Energy conservation at various locations	Improvements	820, 975
2857	Energy improvements at the Public Safety Building	Improvements	594, 692
3180	Handicapped Accessibility at the Public Safety Building	Construction	819, 974
2743	No. 17 Fire Station - Mt. Washington	Rehabilitation	484, 616
3179	No. 17 Fire Station	Construction	819, 974
3577	Amending Resolution 301/83 Public Property Sidewalks		1211, 1305
3578	Amending Resolution 522 Removal of Architectural Barrier at Three Rivers Stadium		1211, 1305
3579	Amending Resolution 643/81 Site improvements at the 13th Ward Memorial		1211, 1305
2665	Amending Resolution 1046/82 Special Populations Program Centers	Construction	375, 512
3923	Treasurer's Office	Renovations	1458, 1524
3810	Various Fire Stations	Rehabilitation	1358, 1442
3458	Various Roof	Renovations	1099, 1201
3283	Various park locations	Construction	937, 1029
2420	Various public Buildings	Renovations	136, 284
3220	Various public buildings Amending Resolution 166/83	Renovations	912, 1012

DANTE PELLEGRINI, SOLICITOR DEPARTMENT OF LAW

BILL	SUBJECT	CONTRACT	PAGE
3752	Department of Law	Renovations	1313, 1441
4083	Law Department	Furniture	1532, 1583

CONTRACTS

DEPARTMENT OF PARKS AND RECREATION LOUISE R. BROWN, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3333	Alpine St. Paly Area	Improvement	
	Amending Resolution 728/82		985, 1043
2754	Assorted African Waterfowl	Delivery	486, 577
2982	Children's Zoo	Renovation	
	Amending Resolution No. 1150/80		674, 760
3237	Five (5) tractors	Delivery	
	Amending Resolution 245/83		915, 1011
3297	Fowler Pool and Park	Rehabilitation	940, 1028
4185	Fowler Pool and Park	Rehabilitation	
	Amending Resolution 628/83		1625, 1738
2395	Friendship Park	Rehabilitation	87, 209
4189	Friendship Park	Rehabilitation	
	Amending Resolution 118/83		1625, 1739
2616	Granville Basketball Court	Lighting	
	and Ream Gym	Installation	298, 418
3492	Lighting at various parks	Installation	1103, 1200
2210	Northview Heights Playground	Rehabilitation	8,
2620	One (1) Brush Chipper	Delivery	299, 418
3085	Parks and Recreation's Facilities	Renovations	742, 815
3086	Parks and Recreation's Facilities	Repairs	742, 815
2468	Phipps Conservatory	Rehabilitation	196, 279
3238	Pittsburgh Aviary	Renovations	
	Amending Resolution 1355/82		915, 1011
3953	Pittsburgh Zoo	Repairs	1463, 1523
3298	Pittsburgh Zoo	Construction	940, 1028
4187	Pittsburgh Zoo	New facilities	
	Amending Resolution 629/83		1625, 1739
4188	Pittsburgh Zoo	Ticket Sales	
	Amending Resolution 1046/83	Structure	1625, 1739
3332	Play Equipment	Delivery	
	Amending Resolution 1309/82		985, 1043
3494	Playgrounds at various locations	Rehabilitation	1104, 1200
3952	Point State Park	Repairs	1463, 1522
4019	Quarry Field Restroom	Construction	
	Amending Resolution 504/81		1512, 1584
2502	Quarry Field turfed areas	Rehabilitation	215, 313
3294	Riverview Pool	Rehabilitation	939, 1028
4186	Riverview Pool	Rehabilitation	
	Amending Resolution 627/83		1625, 1738

CONTRACTS

DEPARTMENT OF PARKS AND RECREATION LOUISE R. BROWN, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
2866	South Side Riverfront Park		
	Amending Resolution No. 7/83	Demolition	595,
2904	South Side Riverfront Park		
	Amending Resolution No. 7/83	Construction	632, 691
4190	South Side Riverfront Park	Construction	
	Amending Resolution 1385/80		1625, 1739
2212	Southside Riverfront Park	Construction	8,
2211	Swimming Pool and Playground	Rehabilitation	8,
3777	Tree Planting Program	Various Location	1335, 1408
3701	Various Park facilities	Repairs	1278, 1346
2357	Various park locations	Paving	73, 176
3088	Various park locations	Paving	
	Amending Resolution 95/83		742, 815

DEPARTMENT OF POLICE ROBERT J. COLL, JR., SUPERINTENDENT

BILL	SUBJECT	CONTRACT	PAGE
4045	No. 5 Police Station	Construction	1527, 1615

DEPARTMENT OF PUBLIC WORKS LOUIS GAETANO, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
2389	Angle St.	Wall Construction	86, 208
2333	Bausman St. Salt Dome	Construction	70, 105
3228	Bloomfield Bridge, Phase IV	Reconstruction	913, 1005
3841	Bureau of Cable Communications	Equipment	1397, 1468
2968	Chestnut St. improvements		
	Amending Resolution No. 316/83		672, 749
3469	City steps, various locations	Concrete repairs	1100, 1179
3426	City-County Bldg. - 9th Floor	Renovations	1073, 1141
3693	Duquense Incline Footbridge	Demolition	1277, 1341
			1365
2935	E. Sycamore St. Hillside	Stabilization	653, 687

CONTRACTS

DEPARTMENT OF PUBLIC WORKS LOUIS GAETANO, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3694	E. Sycamore St. Hillside	Stabilization	
	Amending Resolution 361/83		1277, 1342
3582	Fourth Ave. from Wood St.	Reconstruction	1212, 1241
2494	Heavy Equipment for use by the Bureau of Operations.	Purchase	214, 309
2707	Jersey Barriers	Barricading	426, 547
3290	Larimer Avenue Extension	Grade and Pave	939, 1026
3648	Larimer Avenue Extension	Grade and Pave	
	Amending Resolution 624/83		1235, 1316
3187	Litter Can Receptacles	Purchase	820, 922
3143	Louisa St. concrete step construction	Improvements	797, 922
3188	PA Ave. Bridge widening	Reconstruction	820, 957
3427	Pennsylvania Ave. Bridge	Replacements	
	Amending Resolution No. 1155/77		1073, 1141
3766	Phoenix Hill Shopping Center Relocation of Carnegie Library	Tenant Work	
	Amending Resolution 166/76		1333, 1403
3324	Saw Mill Run Blvd. Sewer	Reconstruction	984, 1040
3587	Second Division Bldg.	Door Installation	1213, 1295
3289	Sidewalk ramps for the handi- capped at various locations		
	Amending Resolution 618/81	Construction	938, 1026
3323	Stadium St. Retaining Wall	Reconstruction	
	Amending Resolution 815/82		983, 1040
2388	Steel Guardrails	Installation	86, 208
2706	Street Lighting equipment	Installation	426, 575
3594	Street Lighting equipment	Installation	
	Amending Resolution 290/83		1214, 1298
2936	Street Lighting equipment for Liberty Ave.	Purchase	654, 718
2821	Traffic Signals at various locations	Installation	555, 643
3142	Two (2) Sluice Gates and One (1) Structural Sluice Gate Support for Flood Control	Purchase	797, 922
3818	Various City Bridges	Inspection	
	Amending Resolution 1217/79		1359, 1437
2747	Various Pumping Station	Rehabilitation	484, 576

CONTRACTS

DEPARTMENT OF PUBLIC WORKS LOUIS GAETANO, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3023	Wall on Windom St. at Lauer Way	Reconstruction	706, 777
3470	Walls at various locations	Construction	1101, 1179
2746	Warrington Avenue	Reconstruction	484, 575
4151	Warrington Avenue Amending Resolution 292/83	Reconstruction	1590, 1668
2745	Warrington Avenue Repealing Resolution 864/81	Widening	484, 575

DEPARTMENT OF SUPPLIES GEORGE JACOBY, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3534	Compressors for Supplies Dept.	Delivery	1109, 1198
2493	Equipment for City's Capital Construction Division	Rental and Repair	213, 309
3532	Equipment for various departments during the 1984 calendar year		1108, 1198
3903	Fire Equipment	Purchase	1427, 1489
2373	Radio Equipment	Delivery	75, 172
3902	Radio Equipment Amending Resolution 93/83	Delivery	1427, 1488
3533	Services for various departments during the 1984 calendar year		1108, 1198

DEPARTMENT OF FINANCE RONALD SCHMEIER, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
2258	Cashier Area in the Finance Department.	Modifications	4, 77
3751	Office equipment and furniture	Delivery	1313, 1366

CONTRACTS

DEPARTMENT OF WATER RICHARD COSENTINO, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3486	42" main in Butler St.	Cement lining	1103, 1199
3945	44th St.	Waterline relay	
	Amending Resolution 603/82		1462, 1522
3485	50" main in Friendship Ave.	Cement lining	1103, 1199
4130	Air Compressor	Purchase	1577, 1635
2391	Butler St., between 44th St. and Liberty Ave.	Waterline relay	86, 208
2295	Chestnut St. Intersection	Watermain	22, 105
2832	Chestnut St. improvements	Waterline relay	
	Amending Resolution No. 283/80		557, 645
2833	Chestnut St. improvements	Waterline relay	
	Repealing Resolution No. 63/83		557, 645
3847	Duration Instrumentation	Purchase	1398, 1469
2944	Edwin St.	Waterline relay	656, 727
2392	Fire Hydrants	Waterline relay	86, 208
3071	Flow Recorders/14	Purchase	741, 814
3986	Friendship Ave.	Waterline relay	1477, 1569
3487	Herron Hill and Squirrel Hill		
	Water Tanks	Painting	1103, 1199
3150	Large Water Meters	Installation	798, 973
4182	Large Water meters	Installation	
	Amending Resolution 550/83		1624, 1738
2298	Lowe St. Bridge	Waterline relay	23, 106
3985	Lowe St. Bridge	Waterline relay	
	Amending Resolution 66/83		1477, 1522
3732	McNaugher Reservoir	Repair cover	1310, 1367
4070	McNaugher Reservoir	Repair cover	
	Amending Resolution 915/83		1531, 1614
3193	Miller Fluid Valve	Purchase	821, 973
3658	Mission St. Pumping Station	Boiler	1236, 1318
3387	Pennsylvania Ave. Bridge	Waterline relay	1035, 1125
3292	Philadelphia Mixer	Purchase	939, 1027
3483	Plant Wall and Arch	Repairs	1102, 1199
3659	Power Factor Capacitor	Installation	1236, 1318
2337	S. Pacific Ave.	Waterline relay	70, 173
3291	Screen and Sludge Mechanism		
	Replacement Parts	Purchase	939, 1027

CONTRACTS

DEPARTMENT OF WATER RICHARD COSENTINO, DIRECTOR

BILL	SUBJECT	CONTRACT	PAGE
3602	Seven (7) Gas Chlorinator	Purchase	1215, 1301
3194	Six (6) Synchronous Motors	Rehabilitation	821, 973
151	Stadium St. Wall	Waterline work	798, 925
2297	Third Ave., Fourth Ave., and Market St.	Waterline relay	23, 106
3070	UV-Visible Spectrophotometer	Purchase	741, 814
3484	Valves in various locations	Installation	1102, 1199
4061	Various locations	Waterline Replacement	1529, 1583
2338	Various locations	Waterline relay	71, 173
3115	Various locations	Waterline relay	768, 849
	Amending Resolution 94/83		
4181	Various locations	Waterline relay	1624, 1737
	Amending Resolution 498/83		
3327	Water Meters	Purchase	984, 1042
4183	Water meters	Purchase	1624, 1738
	Amending Resolution 645/83		

CORRECTION OF CLERICAL ERROR

3490	Community Development legislation	1103, 1171
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ENCROACHMENTS

BILL	SUBJECT	LOCATION	WARD	PAGE
3473	BallyVeane Associates	Penn Ave./1121-1123	2	1101, 1180
3695	Bell Telephone Company	Sidewalk locations		1277, 1484
3471	Brently, V. and B.	Webster Ave./2211	1	1101, 1179
4177	Buncher Company	Liberty Ave.	06	1624, 1735
3935	Cigna I Resturant	49th St.	09	1459, 1518
4176	Eat 'n Park	12th Ward	12	1624, 1735

ENCROACHMENTS

BILL	SUBJECT	LOCATION	WARD	PAGE
2708	J.J. Gumberg	17th Ward	17	427, 547
2422	J.J. Gumberg	Maintain a building over a sewerline, 17th Ward	17	133, 221
3112	Maglin, R. and M.	Melbourne St. use of walkway and driveway	15	768, 825
3472	Mazzotta, A.	Fifth Ave./1314	1	1101, 1180
4121	Mullins, B.	Kipling Rd./5421	14	1576, 1604
3428	North Shore Center	Isabella Center	22	1073, 1142
3817	PA Macaroni Company	Penn Ave./2012	2	1359, 1437
4149	PPG Industries	4th Ave. and Blvd. of the Allies	1	1590, 1667
3474	PPG Industries	4th Ave. and Blvd. of the Allies	1	1101, 1180
3325	Pato, A.	Schauffler Dr./1433	15	984, 1040
3067	Pgh. National Bank	Fifth Ave./235-239		741, 811
2242	Pitt University	Roberto Clemente Dr.	4	2, 80
3475	Pittsburgh National Bank	Warren St./1816	25	1101, 1180
2670	Plaza Center	Concrete exit steps in Pittsburgh Blood Marion	1	376, 507
3697	Retarded Citizens Assoc.	Beech Ave.		1278, 1342
2646	Rohrich Cadillac	Two bay windows at W. Liberty Ave./2116	19	340, 446
3696	Santo Construction Co.	Liberty Ave./4500		1277, 1342
2899	Senior Citizens Center	Bedford Ave./2038	05	632, 682
3229	St. Francis Hospital	44th Street	09	913, 1006
4150	St. Francis Hospital	Calvin St.	09	1590, 1667
4178	Tanner, David K.	Brosville Rd./100	17	1624, 1736
3429	Veterans Administration	Brackenridge St.	5	1073, 1142

ENGINEERING AND CONSTRUCTION

4200	Assume responsibilities for certain Capital Projects	1627, 1732
------	--	------------

EQUIPMENT LEASING AUTHORITY

3531	Advertising for proposals during the 1984 calendar year	1108, 1198
2940	Purchase of used equipment	655, 727

FIREARMS

2729	General Assembly and the Senate	Allowing local municipalities (Pittsburgh) to regulate firearms	429
------	------------------------------------	--	-----

FIREMAN'S RELIEF AND PENSION FUND

2434	Additional benefits to Beneficiaries Pension Fund	138, 206
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GRANT APPLICATIONS

BILL	SUBJECT	GRANT APPLICATION FOR	PAGE
3454	Carnegie Library of Pittsburgh	Library Services and Construction Act, Title II (Emergency Jobs Bills)	1099, 1169
2402	Community Development Statement	Community Development Block Grant 1983	88, 257
2976	Dept. of Environmental Services	Riverview Pool Rehabilitation Project	673, 728
3892	HUD	1981 CDBG Program Amending Resolution 1420/81	1425, 1488
3893	HUD	1979 CDBG Program Amending Resolution 1549/78	1426, 1488
2800	HUD	Lawrence Paint Bldg. UDAG Project	522, 605
2948	HUD	1983 CDBG Program - Adjusting language in Section 9 and transferring dollars from several line items in Section 10 Amending Resolution No. 167/83	656, 722

GRANT APPLICATIONS

BILL	SUBJECT	GRANT APPLICATION FOR	PAGE
2951	HUD	1979 CDBG Program - to reduce line item CP-79-04 and to increase line item CP-79-01	
4080	HUD	Amending Resolution 1549/78 Allegheny International Urban Investment Development Project	656, 725 1532, 1669
3787	HUD	One Thousand California Ave. UDAG Project	1336, 1438
3165	HUD	1983 CDBG Emergency Jobs Bill Program	800
3166	HUD	1983 CDBG Emergency Jobs Bill Program	800,
3240	HUD	Distribution to Minority Controlled financial institution	915, 959
3339	HUD	Manchester Homwownership Urban Development Action Grant Project	986, 1041
3402	HUD	HUD-FHP deferral of housing discrimination charges	1037, 1123
3736	HUD	1980 CDBG to decrease line item PW 80-23 and increasing line item PW 80-30	
2622	HUD	Amending Resolution 1228/79 1981 CDBG Program by amending Resolution 1420/81	1310, 1342 299, 402
1788	HUD	S. Aiken Offices Urban Development Action Grant Project	81
3299	PA Department of Community Affairs	Development of the Pittsburgh Zoo	940, 1029
3740	PA Department of Community Affairs	Enterprise Development Area Program	1311, 1344
3156	PA Department of Community Affairs	Planting and Landscape Development Project	798, 926
2910	PA Department of Community Affairs	Submission of Enterprise Development Applications	633, 690
3611	PA Department of Community Affairs	Urban Homesteading Program	1216, 1242
2752	PA Department of Education	Special Summer Food Service Program Project	485, 577

GRANT APPLICATIONS

BILL	SUBJECT	GRANT APPLICATION FOR	PAGE
3800	PA Dept. of Labor and Industry	Job Training Partnership Act Project	
3445	PA Dept. of Labor and Industry	Amending Resolution 603/83 Job Training Partnership Act Project	1338, 1364
2606	Port Authority URA PennDot	Funds in connection with the Transportation Coordination for the Central Business District, amending Resolution 201/81 by increasing the the total allocation by \$15,000.00	1077, 1140
4196	Sears-Roebuck	Officer Friendly Program	297, 410
3951	U.S. Department of Interior	Department of Parks and Recreation Maintenance Management System	1627, 1740
2209	U.S. Department of Interior	Management Information System for the Department of Parks and Recreation	1463, 1522
3435	U.S. Department of Interior	Riverview Pool Rehabilitation	8
3526	U.S. Equal Opportunity Commission	Amending Resolution 403/83 Deferral of Employment Discrimination Charges	1075, 1144
2510	URA	Grant agreement with Housing Opportunities Inc. for \$19,450.00	1108, 1172
2684	URA	Grant agreement with Steve Cantranel Construction, Inc. for \$3,877.53	216, 310
2685	URA	Grant agreement with Infil Housing Corp. for \$12,000.00	378, 509
4201	Urban Consortium Energy Task Force	Energy Conservation Projects Model Decision Process Project	378, 509
3859	Urban Consortium Energy Task Force	Amending Resolution 968/83 Energy Conservation Projects Model Decision Process Project	1628, 1665
			1400, 1430

**HOME RULE CHARTER
(SECTION 307, ARTICLE 3)
ENFORCEMENT**

2621	Assigning a minimum of three (3) members to each Committee	299, 401
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HERR'S ISLAND REDEVELOPMENT

3855	Amendatory Agreement with the City of Pgh. for the Redevelopment of Herr's Island	1399, 1606
3854	Redevelopment Area Nos. 45 and 48 in the 24th Ward	1399, 1606

HUMAN RELATIONS COMMISSION

3994	Judge Weber's Ruling	Compliance by the City of Pgh. relative hiring and promotion of police officers and firefighters	1479, 1518
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LANDS AND BUILDINGS

3195	Property Sales	Including various information in legislation	821, 975
3152	Install Thermostats	Office of the City Clerk and Council	798, 928

LEASE RENTAL DEBT

4102	Entering into a supporting agree- ment with the Public Auditorium Authority of Pgh. requiring annual payment on one-half the principal on Authority's Auditorium Bonds	1534, 1665
------	--	------------

LEASE/LICENSES

BILL	SUBJECT	LEASE/LICENSE FOR	PAGE
2516	CETA Summer Youth	Jones Law Building, 1st floor at the Employment Program	217, 308
4131	Certain Property	Senior Citizen Facilities	1577, 1635
2906	Certain property	Senior Citizen Facilities	
3896	Dept. of Personnel	Amending Resolution 1225/82 Entry Level Fire Examination Public Auditorium	633, 691
3712	Dept. of Personnel	Allegheny County Entry Level Fire Examination Public Auditorium	1427, 1467
3423	M. Berger Land Co.	Allegheny County South 4th and Bingham Sts., 17th Ward	1280, 1345
2699	PennDot	Property in the 18th Ward for a period of 10 years	1072, 1126
2243	Port Authority	Use of property known as Leaton Way, Millstone Way, Woodruff Street, located between the Walbash Tunnel, 19th Ward.	425, 553
2504	Senior Citizens' Program	Use of certain city property for a nominal fee of \$1.00 per year	2, 80
4103	Stanley Theatre	Pgh. Trust for Cultural Resources	215, 314
3954	Tabor St./200	Use of the facilities	1535, 1665
3491	Tabor St./200	Playground use	1463, 1523
3285	U.S. A.	Amending Resolution 1054/82 Portion of McKinley Park Extension 18th Ward at an annual rental of \$1,800.00	1103, 1200
4117	Wharf frontage	American Wind Symphony	938, 1029
4046	Duquense Light Co.	Electrical system	1575, 1636
3284	Duquense Light Co.	Overhead electrical system on Saw Mill Run Blvd in the 19th Ward	1528, 1615
3158	Duquense Light Co.	Electrical service for Friendship Park	938, 1029
3181	Duquense Light Co.	Electrical service for Riverfront Park	799, 927
3223	Duquense Light Co.	Electrical service on North Shore Road	819, 975
			912, 1013

LEASE/LICENSES

BILL	SUBJECT	LEASE/LICENSE FOR	PAGE
3380	Duquense Light Co.	Electrical service on Overton St. and Billiard Way, 14th Ward	1033, 1126
2330	Duquesne Light Co.	Installation of 3 anchors and other appurtenances on Chicago Ave., 16th Ward.	69, 177
2618	Duquesne Light Co.	Electrical service of Ormsby Recreation Center	298, 419
3055	Morningside and Stanton Ave	Installation of a concrete pad due to upgrading of service in the area	739, 817
3106	Tom Mistick and Sons	1130 W. North Ave. and No. 37 Fire Stations site improvements	767, 852, 928

MONUMENT

3984	Manchester Bridge Pier	Vietnam Veterans Monument	1477
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MUNICIPAL PENSION FUND

2434	Additional benefits to Beneficiaries	138, 206
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NORTH SHORE REDEVELOPMENT

2560	Providing for necessary provisions for the project	256, 368
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PARKS AND RECREATION

2369	To assure Pittsburgh-based vendor participation on recreation and festival events	75, 176
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PERSONNEL AND CIVIL SERVICE COMMISSION

3931	Changing the number of members from the present 3 to 5 and amending Article 14 of the Civil Service Statute	1459
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PERSONNEL APPEALS BOARD

2789-A	Setting the wage for members at \$100.00 per diem beginning 1-1-84	518
3942	Setting wages at 100.00 for per diem beginning 1-84	1461

POLICE DEPARTMENT

2250	Authorizing a professional study of the Pittsburgh Police Department (SPONSORED by Councilman Robinson	3, 63, 469
3853	Authorizing a professional study of the Pittsburgh Police, Fire and Emergency Medical Services	1399, 1470
3932	Evaluate procedures of Pgh. Psychological Services in the administration of psychological portion of the exam for Police Officers	1459
3933	Ineligible candidates be reinstated and reevaluated by Pgh. Psychological Services in administration of psychological portion of the exam for Police Officers	1459
3934	City's Civil Service rules a method of appeal in Pgh. Psychological Services portion of the exam for Police Officers	1459

POLICEMEN'S RELIEF AND PENSION FUND

2434	Additional benefits to Beneficiaries Pension Fund	138, 206
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PROPERTY

**DEPARTMENT OF CITY PLANNING
ROBERT LURCOTT, DIRECTOR**

ACCEPTANCE

BILL	SUBJECT	LOCATION	CATEGORY	PAGE
3245	Salago, May	24th Ward	Acceptance	
	Amending Resolution 647/81		916, 970	

**DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR**

ACQUISITION

BILL	SUBJECT	LOCATION	PAGE
3057	PennDot	City of Pittsburgh	
		Allegheny County	
		School District of Pgh.	739, 817
3139	PennDot	21st and 16th Wards	
		Amending Resolution 663/82	796, 928
3105	PennDot	Various wards	767, 852
3222	URA	22nd Ward	912, 1013
3873	URA	Various properties	1423, 1490
3183	URA	Various wards	820, 975
4119	URA	Various wards	1575, 1637
3580		Various properties	918, 1010
			1305

CONDEMNING

BILL	SUBJECT	LOCATION	WARD	PAGE
2240	28th Ward	Plesset, R.J.	28	1, 79

PROPERTY

DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR

PETITION FOR SALE

BILL	LOCATION	CATEGORY	PAGE
3639	Act No. 514 of 1947	Repealing various Resolutions	1234, 1325
3640	Act No. 514 of 1947	Repealing various Resolutions	1234, 1325
3186	Act No. 514 of 1947	Repealing various Resolutions	820, 975
3224	Act No. 514 of 1947	Repealing various Resolutions	912, 1013
2932	Act No. 514 of 1947	Repealing various Resolutions	653, 732
2933	Act No. 514 of 1947	Repealing various Resolutions	653, 732
3319	Act No. 514 of 1947	Repealing various Resolutions	983, 1045
3690	Act No. 514 of 1947	Repealing various Resolutions	1277, 1347
3814	Act No. 514 of 1947	Repealing various Resolutions	1358, 1443
3425	Act No. 514 of 1947	Repealing various Resolutions	1072, 1146
3461	Act No. 514 of 1947	Repealing various Resolutions	1099, 1202
3874	Act No. 514 of 1947	Repealing various Resolutions	1423, 1490
3875	Act No. 514 of 1947	Repealing various Resolutions	1423, 1490
3928	Act No. 514 of 1947	Repealing various Resolutions	1458, 1524
4052	Act No. 514 of 1947	Repealing various Resolutions	1528, 1616
4053	Act No. 514 of 1947	Repealing various Resolutions	1528, 1616
4171	Act No. 514 of 1947	Repealing various Resolutions	1623, 1740
4172	Act No. 514 of 1947	Repealing various Resolutions	1623, 1740
2453	Act No. 514 of 1947	Repealing various Resolutions	194, 286

PROPERTY

**DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR**

PETITIONS FOR SALE

BILL	LOCATION	CATEGORY	PAGE
2785	Act No. 514 of 1947	Repealing various Resolutions	517, 616
2385	Act No. 514 of 1947	Repealing various Resolutions	85, 211
2667	Act No. 514 of 1947	Repealing various Resolutions	375, 513
2668	Act No. 514 of 1947	Repealing various Resolutions	375, 513
3110	Act No. 514 of 1947	Repealing various Resolutions	768, 854
2859	Act No. 514 of 1947	Repealing various Resolutions	594, 693
2600	Act No. 514 of 1947	Repealing various Resolutions	296, 420
2601	Act No. 514 of 1947	Repealing various Resolutions	296, 420
2282	Act No. 514 of 1947	Repealing various Resolutions	20, 110
2283	Act No. 514 of 1947	Repealing various Resolutions	21, 110
3318	Act No. 514 of 1947	Repealing various Resolutions	983, 1045
2666	Act No. 787 of 1937	Repealing various Resolutions	375, 512

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	WARD	PAGE
4118	Greek Community	S. Dithridge St	04	1575, 1636
4048	PennDot	23rd Ward	23	1528, 1616
4049	PennDot	23rd Ward	23	1528, 1616
3916	Riverfront Properties	19th Ward	19	1457, 1490
3316	Scuilli, B.	9th Ward	9	982, 1044
3924	Schneider, F.	2nd Ward	2	1458, 1524

PROPERTY

**DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR**

SALE OF PROPERTY

BILL	SUBJECT	LOCATION	WARD	PAGE
3184	Moody, J.	Bennett St./7005 Amending Resolution 225/83		820, 975
3185	Williams, A.	Fifth Ave./2011 Amending Resolution 311/83		820, 975
3108	Bruce, R. L.	Frankstown Ave./6810	12	768, 854
3109	Ehrenberger, M. and S.	Frederick St.	27	768, 854

**SALE OF PROPERTY
AMENDING AND REPEALING**

BILL	SUBJECT	LOCATION	WARD	PAGE
3317	Mickle, R. and S.	Dinwiddle St./249		
3459	Amending Item A of Resolution 401/83	Bedford Ave.	3	983, 1044
3812	Amending Item A-1 of Resolution 506/83		3	1099, 1201
3812	Crown Wrecking Co.	Idlewood Rd.		
4050	Amending Item B of Resolution 581/82		28	1358, 1442
4050	Tomlin, M.	12th Ward		
3460	Amending Item B of Resolution 871/83		12	1528, 1616
3460	Jeffries, G.	Mathilda St.		
2278	Amending Item C of Resolution 506/83		10	1099, 1202
2278	Pirollo, Chester	Larimer Ave.		
2452	Amending Item D of Resolution 1158/82		12	20, 110
2452	D'Angelo, Al	Junius St.		
4051	Amending Item E of Resolution 703/82		20	194, 286
4051	Reese, R. and P.	Micheal St.		
2279	Amending Item E of Resolution 871/83		12	1528, 1616
2279	Vichie, Larry, J.	McNeilly Ave.		
2280	Amending Item F of Resolution 1158/82			20, 210
2280	Kegley, K. S.	S. Main St.		
2383	Amending Item G of Resolution 1158/82		20	20, 110
2383	Long, Nadine M.	Compromise St.		
	Amending Item G of Resolution 1368/82		24	85, 210

PROPERTY

DEPARTMENT OF LANDS AND BUILDINGS DARYL H. SMITH, DIRECTOR

SALE OF PROPERTY AMENDING AND REPEALING

BILL	SUBJECT	LOCATION	WARD	PAGE
2382	Stackawitz, H. Amending Item G of Resolution 580/82	Edwards Way/1711	17	85, 210
2281	Berry, Patricia Amending Item K of Resolution 1158/82	California Ave.	25	20, 110
2384	Baylor, Clarice Amending Item L of Resolution 1368/82	Charles St./1917	25	85, 210
3813	Williams, A. Amending Resolution 72/83	Fifth Ave./2134	4	1358, 1442
3642	Tate, Brenda Repealing Item A of Resolution 506/83	Bedford and Rowley St.	3	1234, 1326
3689	Johnson, S. Repealing Item B of Resolution 697/83	Cliff St.	13	1276, 1347
3641	D'Angelo, A. W. Repealing Item B of Resolution 311/83	Wick St./201	3	1234, 1326
3643	Kamauf, Wm. Repealing Item C of Resolution 226/83	Banksville Ave.	20	1234, 1326
3498	Lanese, Bradley Repealing Item C of Resolution 565/80	Gladstone St.	15	296, 420
3688	Wright, B. and C. Repealing Item D of Resolution 651/83	N. Lang Ave.	13	1276, 1346
3925	Wayman, A. Repealing Item E of Resolution 802/82	Manhattan St.	21	1458, 1524
3424	Scheib, Carol L. Repealing Item F of Resolution 1368/82	Walbridge St.		1072, 1146
3927	Henderson, C. Repealing Item F of Resolution No. 159/83	Columbus Ave.	21	1458, 1524
2931	Morrissey, R. Repealing Item G of Resolution 189/80	Bernard St.	32	653, 732
2449	Harris, Charles Repealing Item H of Resolution 701/80	Mulford St./7600	13	194, 285
2450	Taylor, Paul K. Repealing Item I of Resolution 1215/78	Tioga St./7412-14	13	194, 285
3645	Gorenc, Toni J. Repealing Item I of Resolution 566/83	McCord St.	28	1234, 1326

PROPERTY

**DEPARTMENT OF LANDS AND BUILDINGS
DARYL H. SMITH, DIRECTOR**

**SALE OF PROPERTY
AMENDING AND REPEALING**

BILL	SUBJECT	LOCATION	WARD	PAGE
3646	Lott, W. J.	Mayfield Ave.		
	Repealing Item J of Resolution	572/83	26	1235, 1326
3926	Barekzai, R.	Hartwell St./1323		
	Repealing Item J of Resolution No.	311/83	28	1458, 1524
2599	Underwood, C.	Carver St.		
	Repealing Resolution	673/80	12	296, 420
3644	Sullivan, K. and			
	Terbosc, K.	31st Ward		
	Repealing Item I of Resolution	1172/82	31	1234, 1326
2451	Terbosc, K.	Armorhill and		
	Sullivan, K.	Mestaland Ave.		
	Amending Item E of Resolution	1172/82	31	194, 286
2784	Garfango, Charles			
	Hawkins, Raymond	Bedford Ave.		
	Amending Item C of Resolution	128/83	03	517, 616
2381	Dalzell, Norma	Lysle St.		
		California Ave.		
	Amending Item G of Resolution	93/82	25	85, 210
3056	PennDot	23rd Ward	23	739, 817
2421	PennDot	23rd Ward	23	133, 224

TRANSFER

BILL	PROPERTY	SUBJECT	WARD	PAGE
4047	22nd Ward	PennDot	22	1528, 1615
4120	21st Ward	URA	21	1576, 1637
3811	City of Pittsburgh			
	Allegheny County			
	School District of Pgh.	PennDot	27	1358, 1442

PROPERTY

**DEPARTMENT OF PARKS AND RECREATION
LOUISE R., BROWN, DIRECTOR**

ACCEPTANCE

BILL	SUBJECT	LOCATION	WARD	PAGE
3388	Lhormer Real Estate Agency	27th Ward	27	1035, 1126

TRANSFER

BILL	SUBJECT	LOCATION	WARD	PAGE
4133	Housing Authority	19th Ward	19	1577, 1636

**DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR**

ACQUISITION

BILL	LOCATION	SUBJECT	WARD	PAGE
4124	POA Company	5th Ward	05	1576, 1605
4125	POA Company	5th Ward	05	1576, 1605
4122	POA Company	5th Ward	05	1576, 1605
123	POA Company	6th Ward	06	1576, 1605
4125	POA Company	6th Ward	06	1576, 1605
4125	POA Company	7th Ward	07	1576, 1605
4123	POA Company	8th Ward	08	1576, 1605
3381	Kirk, James	30th Ward	30	1034, 1079
3725	Minotte Corp.	20th Ward	20	1309, 1365
3589	Rauker, Wm.	24th Ward	24	1213, 1295
4179	Seminatora	Pa. Ave.	25	1624, 1736
3588	Visconti, S.	8th Ward	8	1213, 1295

PROPERTY

**DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR**

PURCHASE

BILL	SUBJECT	LOCATION	WARD	PAGE
2495	Schroeffel, Josephine	Bly St./28		
	Jackson, Frieda	Brahm St./155		
	Hartman, Joseph	Bly St./30		
	Amending Resolution 1023/82		26	214, 310
4174	William Penn Associates	Delafield Rd.		
	Amending Resolution 955/82		12	1624, 1668
3592	Schroeffel, J.	Bly St./28		1214, 1296
	Amending Resolution 1023/82		26	1317
3983	Schroeffel, J.	Bly St./28	26	
	Amending Resolution 1023/82			1477, 1539
3983	Bly St./30	Hartman, J.		
	Amending Resolution 1023/82		26	1477, 1539
3592	Bly St./30	Hartman, J.		1214, 1296
	Amending Resolution 1023/82		26	1317
3983	Brahm St./155	Jackson, F.		
	Amending Resolution 1023/82		26	1477, 1539
3592	Brahm St./155	Jackson, F.		1214, 1296
	Amending Resolution 1023/82		26	1317

**DEPARTMENT OF FINANCE
RONALD SCHMEISER, DIRECTOR**

PURCHASE

BILL	SUBJECT	LOCATION	WARD	PAGE
2732	William Penn Associates	Delafield Ave.		
		Purchase for 6 months		
	Amending Resolution 995/82		12	430, 641
3344	William Penn Associates	Delafield Ave.		
		Purchase for 6 months		
	Amending Resolution 327/83	12	987, 1039	

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, DIRECTOR**

ACQUISITION

BILL	SUBJECT	LOCATION	WARD	PAGE
3265		Various properties		918, 1010
3959	Bartholomew, R. and K.	22th Ward	22	1464, 1520
2872	Benjamin, R.	17th Ward	17	597, 688
3249	Budd, M.	26th Ward	26	917, 1008
2875	City of Pittsburgh	11th and 18th Ward		597, 688
2881	City of Pittsburgh	Various Wards		598, 689
3518	Collier, J. and N.	13th Ward	13	1107, 1196
3517	Connor, E. and H.	10th Ward	10	1107, 1196
3251	Davis, L. and J.	26th Ward	26	917, 1008
2873	DeMarco, S.	30th Ward	30	597, 688
3248	Farrow, B. and Wood, C.	26th Ward	26	916, 1007
2877	Hamilton, E.	10th Ward	10	597, 689
3001	Hampton, S.B.			
	Perdue, D.	10th Ward	10	656, 752
3250	Herring, J.	26th Ward	26	917, 1008
3508	Hohenadel, Clemens	8th Ward	8	1106, 1194
3516	Homewood South Project	13th Ward	13	1106, 1196
2805	Housing Authority	26th Ward	26	523, 614
3825	Housing Authority	26th Ward	26	1360, 1469
3107	Industrial Land Reserve	22nd and 23rd Wards	22, 23	1768
2999	Johnson, C.J. and E.A.	18th Ward	18	656, 752
2874	Lersch	22nd Ward	22	597, 688
3667	Park Corporation	Second Ave.	4	1238, 1299
2998	Progressive Home Federal	18th Ward	18	656, 751
3246	Publicly Owned	26th Ward	26	916, 1007
3247	Publicly Owned	26th Ward	26	916, 1007
3264	Publicly owned	10th Ward	10	918, 1010
3000	Sanders, J.G. and O.D.	18th Ward	18	656, 752
3960	Sekula, S.	16th Ward	12	1464, 1520
2878	Sewell, R. and L.	10th Ward	10	597, 689
2876	Small Business Adminstors	10th Ward	10	597, 688
2880	Solomon, A.	10th Ward	10	598, 689
3958	Urban Homesteading	12th Ward	12	1464, 1520
2879	Wachter, D.	10th Ward	10	598, 689

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, DIRECTOR**

EASEMENT

BILL	SUBJECT	LOCATION	WARD	PAGE
3789	Baltimore and Ohio Railroad Company	24th Ward	24	1337, 1405BB

SALE OF PROPERTIES

BILL	SUBJECT	LOCATION	WARD	PAGE
3261	Ablebuilt Homes, Inc.	18th Ward	18	918, 1009
3252	Barnette, W. and G.	18th Ward	18	917, 1008
3077	Bousquette, M.C.	Jacksonia St./500	25	743, 813
2511	Caplan, Isadore	Dinwiddie/310-12	03	216, 311
3201	Cole, S. J.	Albion St./522	13	822, 959
3962	D and E Management Co.	Adams St./1401-1411	21	1465, 1521
3796	Davis Construction Co.	Watt St./636-640	5	1337, 1407
3797	Davis Construction Co.	Wylie Ave.	5	1337, 1407
3078	DiDiano, M. and R.	Lenora St./533	12	743, 813
3519	Dunhoff, G.L.	Lakewood St./1319	13	1107, 1196
3668	First Muslim Mosque	Wylie Ave./1911	3	1238, 1299
3257	Glover, R. and Porterfield, M.	25th Ward	25	917, 1009
4081	Grant-Liberty Development	Penn Ave.	02	1532, 1607 1631
2844	Housing Authority	Renova and Sunnyside St.	26	559, 645
3794	Hunkele, R.	Olive St./2-4	25	1337, 1406
3673	Infil Housing Corp.	N. Charles St.	26	1239, 1300
2841	Ivey, Wayman	Liverpool Ave.	21	558, 644
2842	Kalimon, Michael	Windgap Ave.	28	558, 644
2843	Kegley, Kenneth	Walbridge St./814	20	558, 645
3075	King, O. and E.	Webster Ave./1809	3	743, 812
2513	Laud, Inc.	Juniata St./1414	21	216, 311
2802	Layne, J. and F., Jr.	Rush St./1408	21	523, 613
3672	Leppo, Brett	Veto St./1203	25	1238, 1299
3200	Manchester Association	N. Franklin Ave. W. North Ave. Juniata St.	21	822, 958
3509	Manchester Association	W. North Ave./1229	21	1106, 1195

PROPERTY

URBAN REDEVELOPMENT AUTHORITY PAUL C. BROPHY, DIRECTOR

SALE OF PROPERTIES

BILL	SUBJECT	LOCATION	WARD	PAGE
2801	Manchester Citizens Corp.	Nixon St./1400	21	522, 613
2722	McNeal, Don E.	Hamilton Ave./7609	13	428, 550
3961	Mosley, G.	Ripley St./5710	11	1464, 1520
3076	Infil Housing Corp.	N. Charles St Hamilton Pl.	26	743, 812
2840	Norrington, Donald	Columbus Ave./1322	21	558, 644
4157	North Side Industrial Development Company	21st Ward	21	1591, 1669
3670	Northeast Building	Webster Ave./1918-22	3	1238, 1299
3670	Northeast Building	Wylie Ave./1801-25	3	1238, 1299
3199	Ortego, P. and P.	17th Ward	17	822, 958
3259	Palarino, J.	21st Ward	21	918, 1009
3795	Palarino, J.	Adams St./1413-1415	21	1337, 1406
3260	Powell, L.	21st Ward	21	918, 1009
3080	Property Management and Maintenance Program	15th Ward	15	744, 813
2804	Property Management and Maintenance Program	15th Ward	15	523, 614
2804	Property Management and Maintenance Program	18th Ward	18	523, 614
3080	Property Management and Maintenance Program	18th Ward	18	744, 813
2804	Property Management and Maintenance Program	10th Ward	10	523, 614
3002	Property Management and Maintenance Program	Various Redevelopers		656, 752
2804	Property Management and Maintenance Program	12th Ward	12	523, 614
2804	Property Management and Maintenance Program	13th Ward	13	523, 614
3080	Property Management and Maintenance Program	13th Ward	13	744, 813
3079	Property Management and Maintenance Program	10th Ward	10	743, 813
3080	Property Management and Maintenance Program	10th Ward	10	744, 813
3256	Ralston, M.	5th Ward	5	917, 1009

PROPERTY

URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, DIRECTOR

SALE OF PROPERTIES

BILL	SUBJECT	LOCATION	WARD	PAGE
2717	Redevelopers	Various properties	15	428, 548
2717	Redevelopers	Various properties	13	428, 548
2718	Redevelopers	Various properties	21	428, 549
2719	Redevelopers	Various properties	21	428, 549
2720	Redevelopers	Various properties	21	428, 549
2512	Redevelopers	Various properties	15	216, 311
3674	Riley, James T.	N. Atlantic Ave./326	10	1239, 1300
2721	Robinson, James J.	Sheffield St./1311	21	428, 550
3255	Sales, M.	13th Ward	13	917, 1009
3669	Scott, T. and V.	Devolliers St./178	3	1238, 1299
3202	Shipp, J. Jr.	Manhattan St./1011	13	822, 959
4159	Smith, S.	Buena Vista St./1705	25	1591, 1670
3521	Solor Inc.	10th Ward	10	1107, 1196
3253	Springer, C. and E.	21st Ward	21	917, 1008
3515	Steve Catranel Co.	Broad St.	10	1106, 1195
3514	Steve Catranel Co.	10th Ward	10	1106, 1195
3793	Steve Catranel Co.	Broad St./5202-10	10	1337, 1406
3512	Tom Mistick and Sons	Hamlin/1118-1122	21	1106, 1195
3258	Various Developers	21st Ward	21	918, 1009
3254	Various Developers	Various properties		917, 1008
3675	Various Developers	Various properties		1239, 1300
3964	Various Developers	Various properties		1465, 1521
3826	Various Developers	Various properties		1360, 1407
3963	Various Developers	Various properties		1465, 1521
3827	Various Developers	Various properties	10	1360, 1407
3510	Various Developers	Various properties	21	1106, 1195
3511	Various Developers	Various properties	21	1106, 1195
3676	Various Developers	Various properties	21	1239, 1300
3790	Various Developers	Various properties		1337, 1406
3263	Various Developers	Various properties		918, 1010
3507	Various Developers	Various properties		1106, 1194
3513	Various Developers	Various properties	10	1106, 1195
3520	Various Developers	8, 13, and 16th Wards		1107, 1196
4160	Various Redevelopers	Various properties	05	1591, 1670
4160	Various Redevelopers	Various properties	12	1591, 1670
4160	Various Redevelopers	Various properties	13	1591, 1670
4160	Various Redevelopers	Various properties	25	1591, 1670

PROPERTY

**URBAN REDEVELOPMENT AUTHORITY
PAUL C. BROPHY, DIRECTOR**

SALE OF PROPERTIES

BILL	SUBJECT	LOCATION	WARD	PAGE
4158	Various Redevelopers	Various properties	21	1591, 1669
3198	Various Redevelopers	21st Ward	21	822, 958
3003	Various Redevelopers	21st Ward	21	656, 752
2803	Various Redevelopers	21st Ward	21	523, 614
3792	Wilson, L.	Avalon St./3104	5	1337, 1406
3671	Wright, S. and K.	Hermitage St./7339	13	1238, 1299

TRANSFER

BILL	SUBJECT	LOCATION	WARD	PAGE
3791	Industrial Land Reserve			
	Residential Land Reserve	21st Ward	21	1337, 1406

**WATER DEPARTMENT
RICHARD M. COSENTINO, DIRECTOR**

DEDICATIONS

BILL	SUBJECT	LOCATION	WARD	PAGE
3550	Pitt University	4th Ward	4	1139, 1199

PUBLIC AUDITORIUM AUTHORITY OF PITTSBURGH

4101	Extending the terms of existence Authority of Pgh.	1534, 1665
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READ AND ADOPTED
PRESENTED BY COUNCILMAN EUGENE P. DEPASQUALE

BILL	SUBJECT	PAGE
2636	"Catholic Schools Week" March 6-12	323
2490	A Formal Invitation to President Ronald Reagan to visit Pittsburgh to show sprouts of recovery at the steel mills	193
3868	Encouraging the passage of House Bill 598	1392
2569	Recognizing N.A.A.C.P. members	251
4145	Urging the administration of the City of Pgh. to appropriate funds to assist Lemington Center	1574

READ AND ADOPTED
PRESENTED BY COUNCILMAN TOM FLAHERTY

BILL	SUBJECT	PAGE
4218	Appointing a special commission to independently review for all future bond sales	1647
2929	CAP's unemployed personnel	625
3417	Farm Worker Day recognized as July 21	1045
2416	Halting all U.S. Military aid and intervention in El Salvador	111
2417	Inviting the Pittsburgh Baseball Club and Warner Amex Company to voluntarily make a contribution to the Stadium Authority	117
2380	Mike Pickering composer of "Steel Mill Blues"	67
3564	Requesting Bell Telephone to retain the incoming-call capacity of pay phones in the Pittsburgh Area	1138

**READ AND ADOPTED
PRESENTED BY COUNCILMAN TOM FLAHERTY**

BILL	SUBJECT	PAGE
3418	Retaining the law firm of Abes and Begler for the defense of Ordinance No. 21 - Plant Closing Notification	1046
2445	Sincere thanks to Bev Smith	129
4004	Welcoming the National Federation of the Blind of Pennsylvania to Pittsburgh	1474

**READ AND ADOPTED
PRESENTED BY COUNCILMAN RICHARD E. GIVENS**

BILL	SUBJECT	PAGE
3836	Appropriating additional money to obtain an outside psychological evaluating team to retest police candidates that failed that portion of the police exam	1367
3982	Commending the Bloomfield Citizens Council and President John Giancola and past officer Janet Scuillion for their hard work in the organization of the annual Halloween Parade	1455
3912	Congratulating Sons of Columbus of America Gen. E. DePinedo-John Mascio Council No. 29 on its 50th Anniversary	1420
4005	Congratulating the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary	1473
4144	Designating the week of 11-28 through 12-4-83 as "Prayer Week" for those missing or killed in action and the disabled	1573
3375	Economic Survival Day recognized as Wednesday, July 27	1015
3868	Encouraging the passage of House Bill 598	1392
3867	Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1390

READ AND ADOPTED
PRESENTED BY COUNCILMAN RICHARD E. GIVENS

BILL	SUBJECT	PAGE
3048	Recognizing May 16-21, 1983 as "Support Your Child Week"	697
2530	Recognizing the 30th Anniversary of the Highland Drive Medical Center	224
3837	Requiring Psychological Services of Pgh. not to administer any more test to police candidates	1380
3838	Requiring the present list of police officers not be removed until all objections are resolved by the court or the Personnel Appeals Board	1383
2967	To reverse the unjustified decision of the PA Department of Environmental Services to close its Pittsburgh Regional Laboratory	667
3268	Warner Cable Corporation requested rate increase	884
3720	Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1272

READ AND ADOPTED
PRESENTED BY COUNCILWOMAN MICHELLE MADOFF

BILL	SUBJECT	PAGE
2323	"Woman of the Month" presented to Captain Therese Rocco.	17
2783	"Woman of the Month" presented to Lena Hotujec and Rose Larcovic	481
3763	"Woman of the Month" presented to Mrs. Helen Schlenke	1308
3311	"Woman of the Month" presented to Ms. Alma Speed Fox	932
2634	"Woman of the Month" presented to Bosanka Evosevic	294
2274	\$40.00 Voluntary Head Tax for suburbanites.	14
4218	Appointing a special commission to independently review for all future bond sales	1647

**READ AND ADOPTED
PRESENTED BY COUNCILWOMAN MICHELLE MADOFF**

BILL	SUBJECT	PAGE
3276	Commending Mayor Caliguiri for his heroic actions which averted a serious tragedy in the Hazelwood Community	863
2663	Council hire a qualified fiscal advisor to be paid a competitive salary from the 1983 Budget	370
3419	Council will not support the issue of establishment of additional Group Home or Group Care Facility	1061
2486	Declaring the week of February 7 as "Phyllis Hyman Week"	181
3869	Declaring the week of October 17 -22, 1983 "Nuclear Awareness Week"	1389
3868	Encouraging the passage of House Bill 598	1392
3178	Mellon Bank's freeze of the funds for United Steel Workers wages	785
2895	Proclaiming April 17-23 as "Victims Right Week"	593
3544	Recognizing August 3, as Paralyzed Veterans of America Recognition Day	1089
3545	Recognizing August 8-13 as "Support Your Child Week"	1090
4006	Recognizing Police Officer Wm. G. Ford for his display of courage to save the life of a drowning man	1476
3451	Requesting Equitable Gas to immediately begin negotiations to seek settlement with Local 12050 - United Steelworkers of America	1080
3280	Requesting the administration to hire a full-time employee to monitor the Minority Purchasing Program	869
3312	Station security police round the clock at the City's reserviors	933
4007	Support of Senate Bill 1083 - making child snatching a felony	1476
3279	Urging passage of House Bill 362 so that vehicles conform to Pennsylvania's requirements	867

**READ AND ADOPTED
PRESENTED BY COUNCILWOMAN SOPHIE MASLOFF**

BILL	SUBJECT	PAGE
3104	Honoring Avaraham Shifrim	761
3022	Proclaiming May 18, 1983 as "Variety Club Law Enforcement Day"	671

**READ AND ADOPTED
PRESENTED BY COUNCILMAN JIM O'MALLEY**

BILL	SUBJECT	PAGE
3049	Commending Pgh. Action Against Rape	700
2966	Commending the Veteran Police Association for outstanding work	652
3217	Congratulating Father Ronald J. Deegan on his 25th Jubilee of the Priesthood	855
3575	Declaration of Temperanceville Week August 15 - 19, 1983	1208
3721	Extending deepest sympathy to the family of Norman Stewart	1272
3867	Extending gratitude to Sara Madigan for her dedication to the City's Irish Community	1390
2487	Proclaiming February 6-13 as "Crime Prevention Week"	182
3870	Recognizing the week of October 17-22, 1983 "Lupus Awareness Week"	1391
3634	Urging Governor Richard Thornburg to freeze 1.5 million grant to Pitts- burgh to add to 1984 CDBG funds	1220
3720	Urging Ian Paisley, a member of the Parliament from Northern Ireland, visit to Pittsburgh be canceled	1272
3452	Urging the Caliguiri Administration to help fund regional exercise facilities starting with No. 5 Police Station	1084
4231	Urging the management of Dravo Corporation to bargain in good faith with its workers	1655
4237	Urging the management of Grand Concourse Resturant make a good faith effort to negotiate with their striking employees	1656

**READ AND ADOPTED
PRESENTED BY COUNCILMAN JIM O'MALLEY**

BILL	SUBJECT	PAGE
3913	Welcoming the NOW convention to the City of Pgh.	1443
2818	World Health Day - April 7	515

**READ AND ADOPTED
PRESENTED BY COUNCILMAN WILLIAM RUSSELL ROBINSON**

BILL	SUBJECT	PAGE
2567	"Black Senior Citizens Week" February 20-27	243
3277	"This is your life" Testimonial Banquet on 6-25-83	865
3419	Council will not support the issue of establishment of additional Group Home or Group Care Facility	1061
2324	Honoring John P. Robin as a "Natural and Valuable Resource of the city.	64
2664	Honoring Reverend J.A. Williams, on his 38th Anniversary as Pastor of Baptist Temple Church	329
2819	Honoring the Continental Society Inc.	516
3354	Honoring the life and accomplishments of the Honorable Thomas A. Harper	981
3839	Hunger Action Coalition's "World Food Day" proclaimed October 16, 1983	1356
2418	Identify and specify the proposed 12th Ward Multi-Purpose Recreational Facility Project in the first City of Pittsburgh bond issue for 1983	124
3314	Minority and woman participation in Renaissance II	937
3914	Proclaiming October 31, 1983 as "Halloween Safety Day"	1421
2325	Recognizing the birthdate of the Reverend Martin Luther King, Jr.	64
2488	Recognizing February as Afro-American History Month	184
3981	Recognizing the 10th Anniversary of the Champions Association Inc. and its founder, Bill Neal	1453

**READ AND ADOPTED
PRESENTED BY COUNCILMAN WILLIAM RUSSELL ROBINSON**

BILL	SUBJECT	PAGE
3050	Recognizing the Chadwick Civic League on their 28th Anniversary	704
2928	Recognizing the Negro Educational Emergency Drive on their 20th Anniversary	624
4042	Recognizing the accomplishments of our "Native Son" John Edgar Wideman	1508
3376	Regulations for promoters and performers in the City of Pittsburgh	1016
3313	Requesting the Port Authority to consider naming the East Busway in honor of Reverend Martin Luther King, Jr.	935
2489	Ruling of Judge Gerald Weber in regard to the composition of the work force in the Police and Fire Departments	186
2447	Support of passage of House Bill No. 1	133
2531	Supporting a Central Relocation Agency to develop an independent program for the City of Pittsburgh	225
3219	Supporting the General Assembly to create a "homesteading and rehab act"	856
3218	Supporting the concepts and intention of Resolution No. 42, House Bill 1693 and House Bill 1083	855

**READ AND ADOPTED
PRESENTED BY COUNCILMAN ROBERT RADE STONE**

BILL	SUBJECT	PAGE
3915	Congratulating Louis Potetz as Firehouse Station No. 32 begins to serve the Spring Garden Community	1422
3278	Urging the President of the U.S. to impose restrictions on alloy tool steel for a period of five (5) years	866

**READ AND ADOPTED
PRESENTED BY COUNCILMAN BEN WOODS**

BILL	SUBJECT	PAGE
3915	Congratulating Louis Potetz as Firehouse Station No. 32 begins to serve the Spring Garden Community	1422
3419	Council will not support the issue of establishment of additional Group Home or Group Care Facility	1061
4043	Designating December 2, 1984 as Holiday Project Day in the City of Pittsburgh	1509
2967	To reverse the unjustified decision of the PA Department of Environmental Services to close its Pittsburgh Regional Laboratory	667
2568	Urging the General Assembly to pass the legislation for Auto Emmission testing to allow Judge Bechtle to release funds for federally aided projects	245

RESCINDING

3337	Council Bill 2963/81	Application for a grant in connection with the Liberty Center Urban Development Action Grant	986, 1041
3442	Resolution No. 904/82	Execution of land by and between URA and Seldom Seen Associates in the 19th and 20th Wards of the City of Pgh.	1076, 1125

RODENT CONTROL PROGRAM

3476	Establishing the program through the CDBG Emergency Jobs Bill Program	1101, 1180
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STICKER PARKING PROGRAM

3074	Oakland Community	Implementation of Sticker Parking Program	743, 812
3554	Lawrenceville and Bloomfield Communities	Implementation of Sticker Program	1139, 1197

STREETS**DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR****CHANGING NAME**

BILL	LOCATION	SUBJECT	WARD	PAGE
2251	Frankstown Ave.	Martin Luther King, Jr. Avenue		3, 80

DEDICATION

BILL	SUBJECT	LOCATION	WARD	PAGE
652	Terrace St.	Presbyterian Hopsital	4	1236, 1317
3145	Darraugh and Terrace St.	University Hospital	4	797, 922

GRADE AND PAVE

BILL	LOCATION	SUBJECT	WARD	PAGE
3290	Larimer Avenue Extension			939, 1026
3648	Larimer Avenue Extension Amending Resolution 624/83			1235, 1316
3068	Rialto Place			741, 811
3111	Sophia St.	Lenz, C.J.	26	768, 825

STREETS**DEPARTMENT OF PUBLIC WORKS
LOUIS GAETANO, DIRECTOR****STREET VACATION**

BILL	STREET LOCATION	WARD	PAGE
2456	Bobby Way from Chapin St.		194
3596	Frost Way	20	1214, 1298 1315, 1343
3769	Overton St.	14	1334, 1404
3063	S. Neville St.	4	740, 809
3383	Shakespeare St.	7	1034
3768	Spahr St.	7	1334, 1437
3430	20 Foot Unnamed Way		
	Meta St. and Altemus Way	20	1073, 1142
4148	Bland St.	27	1589, 1667
4011	Kimberly Way	26	1510, 1582
3146	Robin Way from Orchard Pl. to Cedarhurst St.	30	797, 922
2332	Tunnel St. Center Ave., Court Place, Sixth Ave. Bigelow Blvd., and Grant St.	1	70, 96
2786	Calvin St. and Garden Way		
	Amending Resolution 1226/82		517, 603
3595	Calvin St. and Garden Way	9	
	Amending Resolution 1226/82		1214, 1298
4057	Symphony Lane	2	1529, 1667
3647	Thirty-Seventh St.	6	1235, 1340

STREET WIDENING

BILL	STREET LOCATION	WARD	PAGE
3651	Darragh and Terrace Sts.	4	1235, 1316

SUBPOENA

2692	Brown, Louise	Subpoena to appear before Council 3-9-83 - 10AM	380
2627	Simms, James	Subpeona to appear before Council 3-7-83 - 2PM	300
3628	Brown, Louise	Subpeona to appear before Council 3-9-83 - 10AM	300

TASK FORCE

2411	Director of Finance and Treasurer	ACTION Mortgage Delinquency Task Force	89, 143
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TOWING OF VEHICLES

3190	Street Cleaning	Towing of vehicles found in violation	821, 927
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URBAN DEVELOPMENT ACTION GRANTS

3957	Conditions and Requirements	Receipts and management for Urban Development Action Grants received by the City of Pittsburgh	1464, 1520
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URBAN REDEVELOPMENT AUTHORITY

2547	Employment Opportunity	Investigation of procedures for business opportunities for minorities and woman pursuant of the Home Rule Charter	254, 366
3326	Property Sales	Including various information in legislation	984
2559	URA	To submit to PA Department of Community Affairs for financial assistance in the amount of \$8,180,317.00 for the North Shore Project	256, 368

VACANCIES ON BOARDS, AUTHORITIES, AND COMMISSIONS

2541	Boards, Authorities and Commissions	Filing vacancies	253, 365
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WAIVER OF RESIDENCY

2642	McDermott, Paul J.	Requiring employment on a month to month basis until 9-1-83 as Assistant Director of Public Works	331, 413
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WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
2650	A-Action Rental, Inc.	773.44	340, 445
4116	ACCU-TEMP Inc.	1,620.00	1575, 1629
2403	Adams, George and Jo Francis	1,89,5.00	88, 205
3917	Air and Power Service Company	2,800.00	1457, 1515
2979	Alexander, George L.	85.00	674, 745
3286	Allied Surveyor Supplies Company	3,100.00	938, 1024
4065	American Railroad Construction Company	853.06	1530, 1597
3386	Amoco Oil Company	291.50	1034, 1121
2463	Aquatic Systems, Inc.	26,150.00	196, 267

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
4073	Arnold Corporation	2,005.00	1531, 1600
2300	Art Frangos Contracting Company	6,771.00	23, 93
4067	Atwood and Bates Construction Company	2,000.00	1530, 1597
3330	Aves International	942.00	985, 1038
3775	Aves International	882.50	1335, 1402
3987	B&L Contruction Company	7,480.00	1478, 1536
3135	B. Dalfol and Sons, Inc.	34,649.00	796, 919
3619	Baker, Wallace	1,001.70	1217, 1283
3365	Barnes, William H. and Dill, Anne C.	9,000.00	1023, 1078
2276	Bee-Kim Company Inc.	525.90	20, 90
3709	Bell of PA	2,539.83	1279, 1339
2223	Bertha Davis Lee, c/o Daniel Krause, Esquire	4,500.00	6
2222	Bessie Novak, c/o Larry P. Gaitens, Esquire	3,000.00	6
3967	Bombich, Bernadine M. and Zelinski	3,500.00	1465, 1517
3816	Brayman Construction Company	1,050.00	1359, 1429
3463	Browning-Ferris Industries	4,267.00	1100, 1170
2478	Budget Rent-A-Car	1,809.05	199, 267
3808	Buncher Company	19,400.00	1358, 1428
3233	Bush, David P.	375.00	914, 1004
3764	Carl J. Long and Associates	2,874.28	1333, 1401
3455	Carnegie Institute	75,000.00	1099, 1169
4015	Carnegie Library of Pgh.	774.07	1511, 1580
2464	Carnegie Library of Pittsburgh	318.55	196, 267
4062	Casciato Brothers	27,288.20	1530, 1597
3765	Casey Company	43,352.22	1333, 1401
3225	Casey Company	12,600.00	913, 1004
3723	Casey Company	16,000.00	1309, 1361
4016	Cheyenne Mountain Zoological Park	150.00	1511, 1580
2523	Chrysler Credit Corp.	654.00	217, 309
2435	Coates, Russell C.	35,000.00	139, 219
4030	Commonwealth of PA	3,867.89	1513, 1581
2845	Commonwealth of Pennsylvania	741.94	559, 659
2884	Commonwealth of Pennsylvanina	1,925.75	598, 679
3621	Computerworld		1217, 1284
2602	Conn Construction Company	17,974.31	296, 399
2455	Conn Construction Company	4,985.00	194, 265
2644	Conn Construction Company	2,886.80	339, 445

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
3530	Covington, Clayton	516.00	1108, 1177
3205	Covington, L. and Young, R.	3,868.30	823, 957
2882	Coyne, Nora June	22,500.00	598, 679
3421	Crown Builders	1,047.69	1072, 1140
4116	D.L.K. Inc.	1,600.00	1575, 1629
3585	D.M.K., Inc.	36,340.00	1212, 1241
2477	David, Bridgett A.	34,500.00	198, 267
3898	Davis, Joseph and Betty	122,500.00	1426, 1482
2941	Davison Sand and Gravel Company	507.73	655, 710
4161	DeIuliis, Joseph and Ethel	17,500.00	1592, 1664
3282	Denig, Fred Jr. - Architect	300.00	937, 1024
2614	DiDiano Construction Company	6,715.00	298, 400
2975	DiDiano Construction Company	6,715.00	
	Amending Resolution No. 207/83		673, 711
4224	DiMatteo, Adelmo and Guiseppina	17,500.00	1663, 1735
4009	Dick Corporation	9,770.00	1510, 1578
3724	Dick Corporation	664.00	1309, 1361
2603	Domenic Parente Construction, Inc.	1,702.43	296, 399
2492	Domininc Parente Contractors, Inc.	13,714.25	213, 307
2308	Duplicate		24, 93
2958	Duplicate Warrant		656, 711
3444	Duplicate Warrant		1077, 1140
2913	Duplicate Warrant		634, 680
2914	Duplicate Warrant		634, 680
3828	Duplicate Warrant		1361, 1429
3710	Duplicate Warrant		1279, 1339
3083	Duquense Light Company	548.50	742, 801
3093	Duquense Light Company	1,800.00	744, 802
4029	Duquense Light Company	4,500.00	1513, 1581
2915	Durham, Horace and Frances	4,000.00	634, 680
4105	Durham, Horace and Frances	4,000.00	1535, 1602
4104	Dwyer, Richard and Joan and		
	Landmark Savings	1,500.00	1535, 1601
3342	E. Liberty Housing Inc.	1,466.22	986, 1039
3379	E.S. Dice Company	592.75	1033, 1121
3232	Eastern Mobile Power Company, Inc.	699.45	914, 1004
4128	Electric Manufacturing and Repair Co.	343.45	1577, 1629
2286	Equitable Gas Company	10,580.67	21, 91
3632	Erie Insurance Exchange	1,887.00	1220, 1289
3941	Ford, Wm. G.	140.00	1460, 1483
3950	Fortune Glen Aviaries	322.00	1463, 1516
4017	Fortune Glen Aviaries	325.00	1511, 1580

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
3340	Four Seasons Clift Hotel	299.70	986, 1025
2980	Fouts Zoological Co. Inc.	532.50	674, 745
3399	Frank F. Conte, Inc.	478.39	1036, 1122
2309	Frank F. Conte, Inc.	387.92	25, 93
2897	Fred Denig, Jr. - Architect	690.00	631, 680
2393	GAL Construction Inc.	5,912.13	87, 205
2830	General Electric Supply Company	1,843.73	557, 642
4066	General Electric Supply Company	781.55	1530, 1597
4063	Globe Linings, Inc.	24,540.00	1530, 1597
3191	Graciano, Joseph J.	66,500.00	821, 956
3377	Graybar Electric Company	285.00	1033, 1120
2285	Green Internation	17,258.36	21, 90
3605	Gulli Construction Company	11,000.00	1215, 1283
4184	Gulli Contracting Company	2,265.00	1625, 1733
2613	Heath Consultants Inc.	345.00	298, 400
2820	Highway Equipment Company	14,764.00	555, 642
3618	Honrack, Joseph S.	10,467.50	1217, 1314
3122	Housing Authority of Pittsburgh	2,693.61	769, 823
3636	Houston-Starr Company	6,869.64	1233, 1314
3378	Houston-Starr Company	333.25	1033, 1120
2256	Hulbert, Helen	6,500.00	4, 77
2972	Independent Enterprise Inc.	71,000.00	672, 745
4146	Insituform East, Inc.	13,500.00	1589, 1664
4008	J-Jac Construction Company	15,881.50	1510, 1537
3929	J-Jac Construction Company	81,000.00	1458, 1483
3154	J.A. Nearing Company, Inc.	6,014.00	798, 920
2336	Jack W. Shearer Equipment	1,938.41	70, 142
3092	James C. Eastley, Inc.	45,000.00	744, 802
3033	James L. Smith Insurance Agency	3,000.00	708, 777
3488	Jendoco Construction Co.	7,848.00	1103, 1170
2691	Karam, Charles J.	415.00	379, 507
3008	Kaufmann, H.	1,435.34	678, 746
3966	Keady, Mary Ellen	3,500.00	1465, 1517
3155	Kenneth C. Fletcher, D.V.M.	700.00	798, 921
3341	Kirbey, Robert F.	1,713.00	986, 1038
2596	Knickerbocker Russell	1,620.00	295, 399
2768	Kolesar, Mary and Leo	1,500.00	488, 574
4203	Kreil, Allyn and Grace	150,000.00	1628, 1733
2769	Lapcevic Carpet and Draperies	978.49	488, 574
3082	Lattner, D. and S.	122.70	741, 801
3555	Levine, Sheldon and Rosalyn	3,000.00	1139, 1178
4129	Lewis and Coulter, Inc.	391.77	1577, 1629

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
3281	Limbach Company	2,622.12	937, 1024
3398	Linder, Karen E.	5,000.00	1036, 1122
2248	Logan Corp.	4,557.39	2, 76
2883	Louik, Michael	2,900.00	598, 679
3422	M. Berger Land Company	4,646.94	1072,
2863	Mario DePasquale, Inc.	78,634.30	595, 664
3006	Mars, Eva R.	1,409.25	677, 746
3031	McCoy, Irene Ray	4,925.00	708, 776
3395	Meadows, Mark	1,023.67	1036, 1122
2476	Metro, Joseph M.,		
	Martin M. Bernard and Veronica	5,000.00	198, 267
2767	Meyer, Donald L.	1,068.79	488, 574
3871	Meyers Plumbing and Heating Company	391.74	1422, 1482
4055	Michael Facchiano Construction Co.	4,486.31	1529, 1596
2404	Miskovitch, Anna M.	2,500.00	88, 205
2596	Monarch Oil	2,256.76	295
2604	Montour Contracting Company	3,711.50	296, 400
3032	Moore Business Forms, Inc.	6,220.48	708, 776
3747	Moore Business Forms, Inc.	518.18	1312, 1362
2701	Mosites Construction Company	113,772.00	425, 507
3007	Moss, Norbert	35,000.00	677, 746
2645	Mosties Construction Company	3,558.48	340, 445
3489	Murry Park Corp.	400.00	1103, 1170
3204	N.C.R. Bookkeeping Machines		823, 957
2448	Niko Contracting Company	12,876.00	193, 265
3462	Nittany Engineering Consultants	520.00	1100, 1169
2386	Noralco Corp.	6,500.00	86, 205
2284	Noralco Corp.	4,429.00	21, 90
2712	Omslaer Wrecking Company	5,760.00	427, 533
2896	PA Utility Management Systems	6,646.00	631, 680
3846	PB&S Chemical Company	17,041.50	1398, 1466
4180	PB&S Chemical Company	5,685.75	1624, 1733
4013	PB&S Chemical Company	1,650.00	1511, 1579
2612	Pena-Plas Co.	1,416.87	298, 400
3876	PennDot	111,309.84	1423, 1482
2287	PennDot	1,942.52	21, 91
2288	PennDot	1,866.85	21, 91
2289	PennDot	4,098.50	21, 91
2290	PennDot	2,545.93	22, 91
2291	PennDot	345.35	22, 92
2292	PennDot	1,867.56	22, 92

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
2423	PennDot	42,733.75	
	Repealing Resolution 1091/82		137, 218
2424	PennDot	6,984.33	
	Repealing Resolution 1093/82		137, 218
2730	Pennsylvania Salvors, Inc.	2,000.00	429, 536
4014	Pgh. Crane and Hoist Company	737.15	1511, 1579
3236	Pittsburgh Garden Center	4,983.95	914, 1005
3443	Pittsburgh National Bank	1,153.63	1077, 1140
3069	Plant Service Company	518.35	741, 801
4223	Polk, Johnny and Geraldine	22,000.00	1663, 1734
3895	Proctoring Services	2,500.00	1426, 1467
3523	Proctoring Services	2,500.00	1107, 1171
2829	R&S Equipment Company	650.00	557, 642
2275	R.C. Kaiser	1,407.52	19, 78
3421	R.C. Kraiser	13,650.34	1072, 1140
2430	Ralph Plumbing and Heating Company	630.00	138, 218
3583	Ram Construction Company	384,376.94	1212, 1282
4126	Ram Construction Company	145,000.00	1576, 1666
2461	Ram Construction Company		
	Repealing Resolution 31/79	1,385.60	195, 266
3877	Richardson Associates	4,742.50	1423, 1482
3287	Richardson Associates	4,950.00	938, 1025
3584	Richardson, Gordon and Associates	23,814.83	1212, 1282
3343	Rickey, Georgine	30,000.00	986, 1039
2277	Robert E. Mierzwa	517.50	20, 90
4107	Robinson, Wm. amd Lottie	5,500.00	1535, 1602
2275	Rome Electric	6,670.00	19, 78
4106	Rupert, Wm. and Suzanne	1,000.00	1535, 1602
3234	San Antonio Zoo	370.00	914, 1004
3655	Sargent Electric Company	406.90	1236, 1314
2246	Sarver Landscaping Design		
	and Construction Inc.	2,800.00	2, 76
2916	Schwetz, Mary	4,000.00	634, 680
2671	Scott Brothers Equipment	1,006.81	376, 496
3396	Segiel, Theodore	1,140.00	1036, 1122
4219	Sell, Sylvester	500.00	1663, 1734
3421	Seymour Electric	1,301.00	1072, 1140
3620	Shiner, Mary	850.00	1217, 1284
2462	Sonitrol Security Systems	2,229.00	196, 266
2985	South Hills Computer Center Inc.	1,830.02	674, 746
2921	Southwest Truck Parts	650.00	635, 681
4056	Sphere	273.00	1529, 1596

WARRANTS

BILL	SUBJECT	AMOUNT	PAGE
3385	Spiniello Construction Company	56,660.00	1034, 1121
3192	Spiniello Construction Company	13,755.00	821, 957
3943	Spiniello Construction Company	200,000.00	1462, 1516
3123	Staley, Mary R.	1,017.42	770, 824
2930	Stanley Magic Door, Inc.	925.00	653, 710
3576	Stanley Magic Doors	3,500.00	1211, 1282
	Amending Resolution 1377/81		1338
4018	Steve Neverburg International		
	Bird Importers	750.00	1511, 1580
3153	Stroudsburg Electric Supply	6,656.61	798, 920
3235	Supreme Exotic Birds	358.00	914, 1004
3776	Tedesco Landscape Contracting Corp.	13,650.00	1335, 1402
3851	Tedesco Landscaping Contracting Corp.	6,300.00	1398, 1466
3637	Three Rivers Trane Company	412.56	1234, 1314
3203	U.S. Dept. of Labor	4,791.50	822, 921, 956
3947	URA	1,100,000.00	1462, 1484
2687	Union Real Estate Company	1,824.58	379, 506
2596	Universal Oil	5,388.00	295
2436	University Health Center		
	of Pittsburgh	4,236.40	139, 219
3528	Vendors/various	29,142.98	1108, 1173
3529	Vendors/various	26,887.10	1108, 1173
2897	Voegelé Company, Inc.	15,583.00	631, 680
2615	W.G. Tomko and Son, Inc.	1,766.71	298, 400
4064	WESCO	2,510.00	1530, 1597
3965	Walden, Dan	6,376.18	1465, 1516
2596	Weber Welding Supply Company	1,348.22	295
4219	Wesley, Otis	500.00	1663, 1734
3397	West Penn Motor Club	1,885.24	1036, 1122
2390	Westburne Supply Company	257.60	86, 205
3496	Western Autoloading Skeet		
	Trap repairs	488.20	1104, 1171
4044	Westinghouse Electric Supply Company	508.00	1527, 1596
3522	Whitehouse Management Corp.	977.00	1107, 1171
2310	William M. Mercer, Inc.	4,200.00	25, 93, 139
4202	William Penn Hotel	281.18	1628, 1733
3084	Wm. Geiselhart Landscape Service	1,890.00	742, 801
3944	Xertex Corporation	1,297.83	1462, 1516
2275	Yarborough Development	17,629.95	19, 78
3948	Zoological Society of Philadelphia	150.00	1462, 1516
2905	Zoological Society of Philadelphia	6,000.00	633, 680
3949	Zoological Society of San Antonio	425.00	1463, 1516

WATER SUPPLY

3189	Ruggeri, James	Granting outside water supply 1335 Freeport Road	821, 925
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WOODS RUN REDEVELOPMENT PROJECT

3788	Modification No. 3	Urban Renewal Plan for Redevelopment Area No. 15 Woods Run Project	1337, 1405
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Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, January 3, 1983

No. 1

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 3, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2239 Resolution authorizing and directing that the Bureau of Cable Communications, Dept. of Public Works, broadcast all of Council's regular

legislative sessions and standing committee meetings.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 2240 Resolution taking, appropriating and condemning certain property of R. Jeffrey Plesset, situated in the 28th Ward, City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, for 48" reinforced concrete pipe sewer line and other public purposes; and providing for payment not to exceed \$2,000 payable from Code Account PW 81-39.

Also,

No. 2241 Resolution providing for an Agreement or Agreements between the City of Pittsburgh and the Borough of Brentwood in connection with the improvement of portions of Churchview Avenue and providing for the reimbursement from the Borough of Brentwood to the City of the Borough of Brentwood's share. The Borough's share not to exceed \$9,200.00 reimbursable to

the Asphalt Reimbursement Fund.

Also,

No. 2242 Resolution granting unto the University of Pittsburgh, its successors or assigns, the right and privilege to construct, maintain and use, at its own cost and expense, a steam line under Roberto Clemente Drive in the Fourth Ward of the City of Pittsburgh.

Also,

No. 2243 Resolution authorizing the Mayor of the City of Pittsburgh and the Director of the Department of Public Works to enter into a Lease Agreement with the Port Authority of Allegheny County, to use a parcel of their property known as Block and Lot 5-M-60 which is located between the Walbash Tunnel, Leaton Way, Millstone Way and Woodruff Street in the Nineteenth (19) Ward of the City of Pittsburgh.

Also,

No. 2244 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to the Noralco Corporation for emergency removal of the steel bridge supports and span for the Monongahela Incline at a cost not to exceed \$6,500.00, payable from Code Account PW 78-14, Emergency Repairs - Bridges.

Also,

No. 2245 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to the Highway Equipment Company for Emergency Repairs at a cost of \$14,764.60 payable from Code Account 1610, Misc. Services.

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2246 Resolution authorizing the issuance of a warrant in favor of Sarver Landscaping Design and Construction, Inc. in the amount of \$2,800.00 in payment for sprinkler system at Frick Park Tennis Courts, chargeable to and payable from Frick Park Trust Fund in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2247 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Dr. Robert Wagner and William B. Allen to travel to Cleveland, Ohio on December 22, 1982, to pick up one (1) male Kodiak for the Pittsburgh Zoo. No City expenses will be incurred for this trip. Also the use of the City pick-up truck.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2248 Resolution providing for the issuance of a warrant in favor of the Logan Corporation, in the amount of \$4,557.39, in payment for the purchase of an Industrial Metal Repair and Resurfacing System, chargeable to and payable from Code Account No. 1447, Misc. Services, Department of Police.

Which was read and referred to the Committee on Finance.

Also,

No. 2249 Communication from Robert J. Coll, Jr., Superintendent of Police, requesting interim approval for the purchase of materials to make emergency repairs to the Police River Patrol Barge at a cost not to exceed \$4,557.39 payable from Code Account No. 1447, Misc. Services.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2250 Resolution authorizing a professional study of the Pittsburgh Department of Police.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 2251 Resolution changing the name of Frankstown Avenue to Martin Luther King, Jr. Avenue.

Which was read and referred to the Committee on Public Works.

Also,

No. 2252 Resolution approving a Conditional Use under Section 993.01(a)(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Lemington Residential Corp. for construction of a five-story, 80 unit housing for elderly

building on property located along the northwesterly side of Lemington Avenue between Wiltsie Street and Campania Avenue, 12th Ward.

Also,

No. 2253 Resolution amending Resolution No. 443 of 1980, as amended by Resolution 687 of 1980 and 590 of 1981 providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Property Management and Maintenance Program; by increasing the authorized cost from an amount not to exceed \$1,060,000.00 to an amount not to exceed \$1,290,000.00 payable from various code accounts.

Also,

No. 2254 Communication from Robert H. Lurcott, Director, Department of City Planning requesting permission for Raymond Reaves to attend a Conference on January 19-21, 1983, in Washington, D.C., sponsored by the U.S. Department of Housing and Urban Development, at a cost not to exceed \$600.00 payable from the Community Development Block Grant Program.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2255 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, Section 7, Lock Box System, by providing for the deposit of earned income and occupation taxes in the existing lock system of authorized depository banks.

Also,

No. 2256 Resolution providing for the issuance of a warrant to Helen Hulbert, c/o J. Kerrington Lewis, Esquire, 512 Frick Building, Pittsburgh, PA 15219, in the amount of \$6,500.00 in full settlement of a lawsuit wherein Plaintiff claimed property damages as a result of surface and rain water improperly diverted onto and over her property over several years.

Also,

No. 2257 Resolution transferring the sum of \$34,000.00 from Unrestricted Cash Account, Mayor's Office, Bond Fund, to Unrestricted Cash Account, Department of City Planning, Bond Fund.

Also,

No. 2258 Resolution amending Resolution No. 783, approved July 30, 1982, effective August 12, 1982, entitled, "Providing for a contract or contracts in connection with alterations and modifications to the Cashier Area, First Floor, Department of Finance; and providing for the payment of the cost thereof," by increasing the authorized amount from an amount not to exceed \$20,000.00 to an amount not to exceed \$29,500.00; and providing for the payment of the cost thereof.

Also,

No. 2259 Resolution providing for an Agreement or Agreements with a professional administrator for professional services in connection with the Workers' Compensation Program and providing for the payment not to exceed \$587,000.00, payable from Code Account 44, Workmen's Compensation Fund.

Also,

No. 2260 Resolution providing for an Agreement or Agreements with Court

Reporter or Reporters in connection with the taking of testimony at Civil Service Commission and Appeals Board hearings. Cost not to exceed \$2,000.00 payable from Code Account No. 1100, Misc. Services.

Also,

No. 2261 Resolution providing for an Agreement or Agreements with Psychological Service of Pittsburgh for professional services in connection with the research, preparation, evaluation, administration, and validation of Civil Service entrance and promotional examinations. At a cost not to exceed \$12,000.00 payable from Code Account 1100, Misc. Services.

Also,

No. 2262 Resolution providing for an Agreement or Agreements with Joseph M. Mazzei, M.D. for professional services in connection with the examination of candidates for employment as police officers, firefighters, paramedics, school crossing guards, and extra helpers and providing for the payment not to exceed \$8,000.00 payable from Code Account No. 1100, Misc. Services.

Also,

No. 2263 Resolution providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's Medical Examination Program for Police Officer candidates, Fire Fighter candidates, and other candidates for employment and promotion. At a cost not to exceed \$50,000.00 payable from Code Account No. 1100, Misc. Services.

Also,

No. 2264 Communication from Ronald C. Schmeiser, Director of the Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of November 30, 1982.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2265 An Ordinance amending and supplementing the Pittsburgh Code, Title Five, Traffic, Article 111, Towing, Chapter 521, Scofflaws, by amending Section 521.02, Notice to Owner, Redemption or Sale by City, to allow the vehicle to be sold at public auction not sooner than thirty days from the date of certified mailing.

Which was read and referred to the Committee on Supplies.

The Chair presented

No. 2266 Petition from the employees of the Custom Craft, Inc., requesting reconsideration of the demolition of the Lowe Street Bridge, as it is important to get to and from Woodville Avenue and to the diner where they eat lunch.

Which was read and referred to the Committee on Public Works.

Also,

No. 2267 Petition from the residents of North Side, requesting a public hearing before City Council to start a residential permit parking program in their area. (East Allegheny area)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2268 Petition from the residents of Homewood-Brushton Area, demanding that an Ordinance be enacted banning businesses from allowing children of school age to play video games during school hours.

Which was read and referred to the Committee on Public Safety.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2269

Report of the Committee on Finance for December 29, 1982 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2221

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, Chapter 201, City Treasurer, Section 10, Registration of Tenants, by authorizing the Director of Finance to direct mortgage companies, banks, savings and loans, and other mortgage holders to forward tenant registration forms to owners, and requiring the furnishing of information."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2222

A Resolution entitled, "Resolution providing for the issuance of a warrant to Bessie Novak, c/o Larry P. Gaitens, Esquire, 1200 Lawyers Building, Pittsburgh, Pennsylvania 15219, in the amount of \$3,000.00, in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2223

A Resolution entitled, "Resolution providing for the issuance of a warrant to Bertha Davis Lee, c/o Daniel Krause, Esquire, 416 Frick Building, Pittsburgh, Pennsylvania 15219, in the amount of \$4,500.00, in full settlement of claim for personal injury, and providing for the

payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2224

A Resolution entitled, "Resolution providing for an Agreement or Agreements for consulting services to assist the City of Pittsburgh in acquiring Federal assistance and funding, and to work with various agencies of government for the benefit of the City of Pittsburgh; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2270

Report of the Committee on Planning, Housing and Development for December 29, 1982 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2217

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 408-410 Eloise Street (Block and Lot 23-K-97 and 97A) and 1200-02 Buena Vista Street (Block and Lot 23-N-56) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 2218

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1112 Sheffield Street (Block and Lot 22-R-159), 1434-36 Sheffield Street (Block and Lot 22-P-237-8), 1322 Juniata Street (Block and Lot 22-K-82), 1413 Pennsylvania Avenue (Block and Lot 22-P-180), 1334 Juniata Street (Block and Lot 22-K-190) 1325-27 Lake Street (Block and Lot 22-K-79 and 80), 1411 Columbus Avenue (Block and Lot 22-K-10) in the Manchester Historic District in the 21st Ward, and 1332 Juniata (Block and Lot 22-K-88)."

Which was read.

Also,

Bill No. 2219

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structures at 23 Market Place (Block and Lot 1-D-128), 3 Market Place (Block and Lot 1-D-218), in the Market Square Historic District in the 1st Ward and 204 Fifth Avenue (Block and Lot 1-H-123) in the Market Square Historic District in the 2nd Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2271

Report of the Committee on Parks and Recreation for December 29, 1982 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2209

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the development of a Department of Parks and Recreation Management Information System; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Management Information System Development; providing for required assurances; providing for certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Management Information System Development Trust Fund; providing for

the deposit of funds into the Trust Fund; and for the payments of costs and expenses of the Management Information System project."

Which was read.

Also,

Bill No. 2210

A Resolution entitled, "Resolution further amending Resolution No. 605, effective July 1, 1982, as amended by Resolution No. 1116, effective November 5, 1982, and Resolution No. 1222, approved November 22, 1982, entitled, 'Providing for a Contract or Contracts or the use of existing Contracts for a rehabilitation of Northview Heights Playground; and providing for the payment thereof,' by adding the source of deposit for Federal reimbursements."

Which was read.

Also,

Bill No. 2211

A Resolution entitled, "Resolution further amending Resolution No. 604, effective July 1, 1982, as amended by Resolution No. 1118, effective November 5, 1982 and Resolution No. 1220, effective December 3, 1982, entitled, 'Providing for a Contract or Contracts or the use of existing Contracts for a swimming pool and playground rehabilitation; and providing for the payment of the cost thereof,' by clarifying the funding sources."

Which was read.

Also,

Bill No. 2212

A Resolution entitled, "Resolution

further amending Resolution No. 1385, effective December 31, 1980, as amended by Resolution No. 1221, effective December 3, 1982, entitled, 'Providing for the letting of a contract or contracts for the construction of Southside Riverfront Park; and providing for the payment of the cost thereof,' by clarifying the funding sources."

Which was read.

Also,

Bill No. 2213

A Resolution entitled, "Resolution providing for an agreement or agreements with various independent contractors to provide instruction in connection with the 1983 Preschool Program of the Department of Parks and Recreation; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

Bill No. 2272 Communication from Mayor Caliguiri submitting the name of George Jacoby as Director of the Department of Supplies.

Which was read.

Also,

Bill No. 2273 Resolution by Mayor Caliguiri submitting the name of George Jacoby as Director of the Department of Supplies.

Which was read.

Mr. Stone:

Mr. President, if I may. I think Mr. Jacoby is well known to all of us. If anyone wants to have him come in on Wednesday, then I suggest we hold it for a week and hear from him. If not, I'm prepared, frankly, myself, to vote for him. I think we're fortunate to have a man of that caliber moving into that position.

Michelle Madoff seconded the motion.

Mr. Robinson:

If I might, members of Council should have received today a copy of the memo I sent to Mayor Caliguiri dated December 29 relative to the issue of the now vacant position of Director of Supplies and vacant position of Treasurer of the City of Pittsburgh.

I'd just like to say that on numerous occasions we have had opportunities to appoint persons to

positions such as directors of departments and we have made every attempt to give to those persons who are presently on our payroll the first opportunity to be considered and in many instances they certainly were head and shoulders above any other applicants. But also there has been some attempt to make sure that we spread these opportunities out among everybody in the City of Pittsburgh and in that regard I requested that the Mayor consider submitting to us the names of qualified minority females for the position of Director of Supplies and Treasurer. And while I recognize that, perhaps, it's the Mayor's prerogative to select whoever he wishes for Treasurer, it seems to me that particularly in the instance of Director of Supplies that we have a unique opportunity to make available to some qualified female minority an opportunity at Director in this City. We do not now have a director in this City who is a female minority. Certainly there are many people ably qualified to serve this City and I would hope that Council would give the Mayor at least an opportunity to digest these suggestions prior to taking any action relative to the position of Director of Supplies.

Let me just conclude by saying that my remarks are not in any way intended to suggest that Mr. Jacoby would not be a fine Director of Supplies. That would be far from the truth. But I do think that when we have these opportunities and where Council is involved in the process, that we should reflect upon everything that we're trying to do and sometimes we have to look beyond the individual in question to what I consider to be a larger issue. That is making sure that everyone who can be represented in City Government is represented and I just think it's a fine opportunity to do two things; one, increase the number of females that we have as department heads and two, to

give this City for the first time a minority female as head of a department.

(INSERT - MR. ROBINSON'S MEMO CONCERNING APPOINTMENTS)

TO: Richard S. Caliguiri,
Mayor

FROM: William Russell Robinson,
Member of Council

DATE: December 29, 1982

SUBJECT: APPOINTMENTS:
Treasurer
and Director of Supplies

I respectfully request that you consider submission of the names, to Council, of qualified minority females to fill the positions of: Director of Supplies and Treasurer.

WRR/clc

(END OF INSERT)

The Chair:

Thank you, Mr. Robinson. In that respect, Mr. Stone, if I understand your motion it's to waive the two week waiting period?

Mr. Stone:

I have a problem, unfortunately. If that had happened prior to the time of the naming of Mr. Jacoby, I think I may have been more receptive. Regretfully we've known now for almost three weeks, if not more, that Mr. Yatch was leaving. I didn't suspect that the Mayor was going to nominate Mr. Jacoby, but I think everyone here is aware that we've had the opportunity to work with him in the Finance Department of this City. I would like to believe that there's no one

who has found any fault with his ability. I find that Department of Supplies to be a department that is perhaps one of the most important departments in the whole City of Pittsburgh since the amount of contracts coming through there. Mr. Jacoby is also a lawyer over and above his financial abilities.

I'm not aware of the letter that Mr. Robinson had mentioned and that's the reason I made the remarks that I had made to have someone who knows finance, to have someone who is a lawyer, to have someone who has that kind of capability. It's kind of a rare person and I think we're lucky to have someone there. While I would like to address the issue that Mr. Robinson has indicated, I for one, at this time at least, would be in favor of Mr. Jacoby and I have to be out front and say that at this moment because he's been nominated. Had it come before, I think it may have been a different picture.

Mr. Robinson:

Mr. President, if I might. I just think that there's a couple of things that we have to bear in mind. One, the overriding commitment of this City to provide equal opportunity I think is unquestioned. I think the evidences of that are unquestioned also. But I think that on numerous occasions as Council has addressed the issue of specifically increasing the number of women who are in supervisory positions as well as the number of minority supervisory positions. So the issue has been forced on a constant basis.

Also, it's obviously the Mayor's prerogative to select those persons who he thinks will best fit into his cabinet and I certainly don't challenge his right to do that. Unfortunately, at least I was not aware of the Mayor's decision to replace Director Yatch with Mr. Jacoby

and other than what I read in the newspaper I had no official notification. The only opportunity that I had to make any response, any official response, was after I had a semi-official notification that that was what the Mayor was going to do.

I'm simply saying that it seems to me that if the position is as sensitive as Mr. Stone suggests and needs a person with the kind of qualifications that he indicates, certainly it would be in our best interests to wait a period of time to make sure we have the right person and also if indeed Mr. Jacoby is as qualified as Mr. Stone says he is, then I don't think there would be any difficulty in him standing the test. It just seems to me that if the Mayor so chooses to address the issue that we ought to give him some opportunity to do that. It doesn't jeopardize Mr. Jacoby's position in any shape, form or fashion. I certainly have no objections to Mr. Jacoby serving that position. I simply would like to let this Council have some opportunity to see if indeed there are some minority females that could be considered either for the Director of Supplies or Treasurer. As Council is aware, Mr. Jacoby will be moving from the position of Treasurer to Director of Supplies, thus leaving that position open. I'm unaware of any minority female in the City of Pittsburgh that's been considered for either position and no one within City government is being considered. I just think that if we took a little time that perhaps the Administration would choose to address it. If they don't I certainly have no problem with that.

Mr. Flaherty:

Mr. President, I whole-heartedly support my colleague, Councilman Robinson, in regard to his concerns. It's important for Council, I believe, especially now, to keep in mind that

currently there is only one black director. There is only one female director. We certainly have a history of directors that certainly do not reflect the composition of minorities and females in this City. I am not aware of any pressing reason why we cannot extend to George Jacoby the same courtesy that we extend to all the Mayor's nominees and that is the opportunity to appear in front of Council and to answer any questions that any of us may have.

I myself have certain questions that I would want to pose to Mr. Jacoby and in seeing that there is not any pressing or urgent reason as to why Council should act upon the nomination today, I whole-heartedly support Councilman Robinson for the reasons that he has so stated and also for the reason that I have stated, that I have questions for Mr. Jacoby.

Mr. Givens:

Mr. President, I'd like to voice my opinion. We have a resolution before us that's for Mr. Jacoby. That's what I'm looking at right now. I think we have some side issues that are surfacing here that are worthy of discussion, but however, I feel Mr. Jacoby, and we have not only done it for this individual but for others who have gone into other positions within this City wherein we knew the people, especially on boards and commissions and authorities, we have done this within the City of Pittsburgh. Rather than having them come before this Council, if we do them personally, their past reputation, etc., one would have to say that Mr. Jacoby and his performance before this Council has been noteworthy of one who really, in a short period of time, knows the intricate mechanisms of the financial problems of the City of Pittsburgh and the management of our Treasury

Department, probably as good or better than anybody that I've ever seen. And the fact that I've been very close to this financial picture of the City of Pittsburgh and working with it over a number of years very diligently, I would highly recommend him now for the Director of the Supplies Department.

Mr. Woods:

Mr. Chairman, first of all, Mr. Flaherty is wrong, we have two minority people right now as directors. But that isn't the issue. As Chairman of Supplies, I would like to make a motion that we bring in Mr. Jacoby this Wednesday.

The Chair:

We have a motion on the floor. I think Mr. Stone's motion, originally, was to bring him in Wednesday then he said that maybe we should waive the two week waiting period and vote on him now. In view of the fact that there have been some questions raised, and if we voted now I think there would be some negative votes and I think it would be unfair to Mr. Jacoby. I think what we ought to do is have the regular motion and have the two week waiting period and bring Mr. Jacoby in this Wednesday or the following Wednesday.

Mr. Woods:

Can we get him in this Wednesday? I make a motion that we bring him in this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I think the points that have been raised today by every party, and I think you would agree, are

valid points. I think the one who said the thing that is probably most on target is Mr. Givens. He said that what we're doing is talking about side issues. The side issue is that the Mayor knows full well. It's no surprise to the Mayor, Mr. Robinson, that we only have one black director. It is also not unknown to the Mayor that we have a thirty-three percent black minority population in this City. It's gone from thirty-one to thirty-three. It is no surprise to the Mayor that he could go out and have a search committee, look for the best and the brightest in the community. But for reasons that may be very, very valid, the fact that Mr. Jacoby is in the job, has worked with Mr. Schmeiser and with other people, he may be, at the moment, the best person to fill that job.

But I think the issue that is more important than the nomination before us is the one that Mr. Robinson has raised. The issued that Mr. Robinson has raised is really the key issue. I think the memo or the message that should go to the Mayor, because it's after the fact, it's been decided, nothing is going to change, is that indeed this Council would like to point out to the Mayor that the population of this City is now over thirty-three percent minorities and women minorities are hit the hardest and that we would like to see in future appointments, before it just becomes pro forma where we just go from one to the other, that indeed he submits to this Council and makes a conscientious effort to go out and look for minorities in light of the fact that the Mayor has just appointed a committee to look into women's issues.

I think that's really, as you said, Mr. Givens, it really is a side issue. But it's one that shouldn't be dropped. I would suggest that we go ahead with the recommendation for Wednesday and take it from there, but we do not drop the

recommendation, Mr. Givens and Mr. Robinson, that that memo or the feeling of this Council —

Mr. Givens:

I would hope that the Wednesday meeting would not get into the side issue but into the recommendation of the individual who is before us.

Michelle Madoff:

You're interrupting me.

The Chair:

We already had a motion and a second. We had the motion passed.

Michelle Madoff:

I'm not allowed to interrupt. The point I'm making is that I would hope that as a second motion, this Council would send a feeling of this Council that in future, in light of the fact that he has appointed a committee to look after the welfare of women, that he would conscientiously go out and look for people who can fill vacancies that will be upcoming in the City by attrition or by whatever promotions there might be. I would hope that you would support that, Mr. Robinson, although I'm not saying that you shouldn't support what you have now because, you know, I'm very sympathetic. But I'm looking at the real world.

Mr. Robinson:

So am I. You said yourself that thirty-three percent of the City is minority. That's the real world. I'm the real world. Linda Johnson is the real world.

Michelle Madoff:

Let me define my term, the real word. Defining the term means the Mayor, as you say, has the power to do what he wants to do. And he's going to do what he wants to do. We know what that is. Fortunately, the appointment is a good one. Thank God. If it was a bad one, we'd all be raising the roof, black, white, purple, minority, or what have you. I don't think, though, that the issue should be pushed aside because we're going to have a pre-determined appointment. I think we ought to pursue the issue as you raised it and not let it ride after this appointment, which I believe will take place on Wednesday.

I'd like to see a letter - why don't we wait. We'll draft it, I'd like to see Mr. Robinson draft it because I don't want to steal his thunder and I would like to support it with him and make that a formal resolution at the next meeting because we know what's going to happen in the appointment.

The Chair:

Okay. Mr. Jacoby will be in Wednesday.

Michelle Madoff:

I have a motion. Unfortunately we didn't get it to Mike Perry in time but I think the law says you can do it as a floor resolution. Is that correct, Mr. Perry?

Mr. Perry:

As a motion.

Michelle Madoff:

A motion from the floor. My Council colleagues will recall, if they were here four years ago, or three years

ago, the year we had the big increase in the budget, that at random I contacted a dozen people in the City and asked if they would be willing to give \$40 to the City of Pittsburgh, and I checked with our Finance Office and Law Department and it is indeed a tax deductible item.

Since then, I've talked to an executive of Dravo who wishes to remain anonymous but who pointed out to me that when they go into the new building, or at that time they were thinking of going to the Dravo Building, that if they needed police service he would no want them to call Moon Township where he lives, call the Police Department in Moon Township, he would not want them to call the Fire Department in Moon Township, and he feels he gets more than \$10 worth of services out of the City. As Mr. Stone said during his finance address, if anybody says they're not getting \$10 or better out of the City, they're absolutely not being honest and realistic.

Michelle Madoff presents

Bill No. 2274 WHEREAS, the City is the heartbeat of the County; and

WHEREAS, the fiscal well-being is important to City residents as well as all suburbanites living in the City's bedroom communities; and

WHEREAS, any suburbanites not only are dependent on the City for their jobs but also have the advantage of being protected by City services such as Police, Fire, Paramedics, snow removal, etc.; and

WHEREAS, suburbanites presently pay only \$10 for the advantages of these services.

NOW, THEREFORE,
BE IT RESOLVED, that the Mayor

and the Members of the Council of the City of Pittsburgh institute a voluntary head tax of approximately \$40 for all suburbanites and create a separate trust fund to administer these voluntary contributions.

Michelle Madoff moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Michelle Madoff:

I've already had indications that if we had public service spots, and we are all invited to do public service talk shows, and we talk about that and say, "Will you be willing?", I think we will generate some revenue that could be used for very meaningful purposes in the City. I would hope that somebody would second my motion.

The Chair:

Michelle, if I may. I can just see the newspapers now. We're going to be the laughing stock of Pittsburgh. You won't get \$20. Voluntarily you won't get \$20.

Michelle Madoff:

Mr. DePasquale, I've already received, I don't know where you were, sir, but I've already received, and I can give you the names of the people, when I tried it just calling twelve people, I got about eight names of people who gave us checks. I stood here with the checks. People gave me the checks. What do you mean they won't do it? They've already done it.

Mr. Flaherty:

I somewhat agree with your remarks. I imagine that we will be able to raise more than \$20, but more

importantly, I think, regardless, it will be insignificant, but I believe that Michelle Madoff has put forth an idea that can help but explain and put the spotlight on a serious problem that we now experience and unless we receive some outside aid, I believe that in a few years it is going to be a crisis situation in this City.

So, more for symbolic reasons than for strong practical reasons, I support the resolution.

The Chair:

Thank you. Roll call vote.

Mr. O'Malley:

I think Michelle needs an education.

Michelle Madoff:

I'd be happy to share my education with you.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods

AYES 8

NOES 1

(MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Givens:

Mr. President, if we could, I'd like a copy of that to go to our State Legislative body.

The Chair:

And a copy to the Smithsonian Institute.

Michelle Madoff:

How about Ripley's Believe It Or Not.

The Chair:

If that one works, Michelle, I'll tell you what, I won't be so explicit, I'll meet you under Kaufmann's clock, okay?

Michelle Madoff:

I want it in Ripley's Believe It Or Not that Jeep voted no.

Michelle Madoff:

I asked Mr. Perry of a transcript of the notes, we were supposed to be on Cable today, why are we not? It was voted and passed by this Council.

Mr. Perry:

Mr. Givens introduced legislation

Michelle Madoff:

That has nothing to do with it. It was already voted and passed by this Council. You were to look at the tape to check it. Did you do it? Would you please do it today? It has already been

approved by this Council.

And on the motion of Mr. Stone

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, January 10, 1983

No. 2

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 10, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Our first order of business is a resolution by Councilwoman Madoff. Would you please come up and read the resolution?

Michelle Madoff:

Ladies and gentlemen, this is the first time I've had the pleasure of standing up here other than the time I was sworn in so this is really a momentous occasion.

I will give you a little history or background. The Women's Political Caucus approached me several months ago to have a resolution passed giving an award to an outstanding woman of the month. I couldn't agree more heartily. The Mayor, as you know, has formed his own committee to help and work on women's issues. I think Council is going to do their thing, the Mayor is going to do his thing and we're going to work together, right Dick?

Mayor Caliguiri:

Right.

Michelle Madoff presents

Bill No. 2323 WHEREAS, the role of women needs to be expanded expanded in society; and

WHEREAS, their accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Captain Therese Rocco, as head of Pittsburgh's Missing Persons Bureau for twenty-two years and in charge of Youth and Missing Persons for the last two years, is the City's top investigative policewoman; and

WHEREAS, Captain Rocco has gained a national reputation as being an expert in the field of missing persons has spoken before countless local organizations, and has instructed courses in law enforcement; and

WHEREAS, her personal competence and the compassion she demonstrates has earned the respect of her co-workers and the gratitude of the families of missing persons in helping them get through a very difficult time in their lives.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the Council of the City of Pittsburgh hereby recognize Captain Therese Rocco as "Woman of the Month" because of over twenty-two years of her dedicated service to the citizens of Pittsburgh.

BE IT FURTHER RESOLVED, that Council, along with the Women's Political Caucus and other women's organizations, will continue this award monthly so that in some small way the contributions of these unsung heroines will be acknowledged as making Pittsburgh "a better place to live."

Michelle Madoff moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

I would like to invite Jean Star, the membership Chair of the Women's Political Caucus of Allegheny County to please come up and make the presentation to one of my very dear favorite people in the world, Therese.

Jean Starr:

Thank you, Councilwoman Madoff. We're very pleased that this was Councilwoman Madoff's idea and our idea jointly and we think it's a fantastic idea. We think that the award of the month going to Captain Therese Rocco, we can't think of a better person and more -- I guess I'm overwhelmed. I was in the field of law enforcement in school and I am just honored and pleased to be able to give this award to Captain Therese Rocco on behalf of the Women's Political Caucus and all the other women's groups, the League of Women Voters, and many other groups, we are very honored that you are the first woman to receive this award. Congratulations.

Michelle Madoff:

I wonder if the Mayor would step up and say something.

Mayor Caliguiri:

Thank you, Michelle. It's indeed a pleasure to be part of this first Woman of the Month Award. We're so pleased in the City that we do have a task force on women to begin to acknowledge what women have done here in the City of Pittsburgh. There is much to be said and I am just so pleased and proud to see that the first recipient is in fact a City employee, but one that is certainly deservedly so. Therese Rocco has shown the ability and many, many other attributes that she has done over the last twenty-plus years in helping other people. I can't think of a better person to receive this first Woman of the Month Award than Therese.

Therese, congratulations and I'm sure in the months to come that many, many others that will receive this award will receive it in that grace that you

were the first and to come in your footsteps.

Again, congratulations to you and to you, Michelle, and everyone else connected with this award. Thank you so much.

Michelle Madoff:

Before we hear from our honored guest today, I do want to point out that this is not going to be the Michelle Madoff award of the month, but Mr. Stone, in one of our meetings, mentioned somebody on the North Side, I don't recall her name, but some of the things he said about her seemed to be very outstanding. We would appreciate if you would pass the name on to the Caucus. I do not have that name but I think she would be a worthy recipient.

Mr. Stone:

Michelle, before we lead to the other one, I'd be remiss if I didn't mention that Therese Rocco and I go back many years to my days in the District Attorney's Office.

I don't know who will be the future Women of the Month, but I don't know that there will be one who has earned it as much as this one has, who year after year has had to fight those problems and, as the Mayor has indicated, I think on behalf of all of us in Council, we're glorified and honored to have one of our own to have gotten this first award. Congratulations.

Captain Therese Rocco:

Honorable Mayor Caliguiri, Honorable Members of Council, Political Women's Caucus and ladies and gentlemen, I am totally at a loss for words because I feel very, very humble in receiving this award. Humble in a sense

that I know that I have only done a job in a job which I have been adequately repaid for in the form and in the essence of personal reward.

I hope that I can continue to serve in the dedication that I have served in the past. I am really, really appreciative to know that I am the first woman to receive this award, but I know that there are many, many, many more dedicated women in our government, in our society, who will be very, very happy to be in this very position that I'm in and I know they too will be entitled to this great recognition.

I want to thank all of you and, most of all, I want to thank God because he has made many things very great and possible for me. Thanks again, all of you.

The Chair:

I think that Councilman Stone spoke for the entire Council on our sentiments when he said what he did say but we certainly want to add our congratulations to Therese Rocco and the NOW Organization.

Talking about names in the future and women in the future to be honored, I couldn't help but see in the back of the room another great personality in the City of Pittsburgh who has done so much for the school guard and she's here today, Mildred Slatig. Mildred, would you stand up and take a bow?

I would like to mention that Mildred has done a real outstanding job.

Mr. Flaherty presented

No. 2275 Resolution providing for the issuance of a warrant in favor of Yarrowrough Development in the amount of \$17,629.95; Rome Electric in the

amount of \$6,670.00 and R.C. Kaiser in the amount of \$1,407.52; totalling in the aggregate \$25,707.47 for extra work performed in connection with the rehabilitation of Vehicle Maintenance Facility, Phase I, chargeable to and payable from LB 80-11 (4-25-15-2050-80) \$12,919.00 and LB 82-15 (4-25-15-2050-82) \$12,788.47, Department of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Mr. Flaherty moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2276 Resolution providing for the issuance of a warrant in favor of Bee-Kim Co. Inc., in the amount of \$137.90, \$139.00, \$237.50 and \$12.50 totalling in the aggregate \$525.90 in payment for cleaning supplies for the benefit of the City in connection with the daily maintenance of the City County Building and Public Safety Building; and providing for the payment thereof.

Also,

No. 2277 Resolution providing for the issuance of a warrant in favor of Robert E. Mierzwa, in the amount of \$517.50 in payment for professional services furnished in connection with elevator maintenance at the Public Safety Building and City-County Building, chargeable to and payable from C.A. 1364, Repairs, Department of Lands

and Buildings.

Which were read and referred to the Committee on Finance.

Also,

No. 2278 Resolution amending item D of Resolution No. 1158, appr. 11/22/82 for the sale of vacant lot and 2 buildings on Larimer Avenue (12th Ward) to Chester Pirollo, for the sum of \$10,000.00. Resolution is to correct spelling of name of former owner.

Also,

No. 2279 Resolution amending item F of Resolution No. 1158, appr. 11/22/82 for the sale of vacant land on McNeilly Ave. to Larry J. Vichie, for the sum of \$1,000.00. Amendment is to add another street to the location.

Also,

No. 2280 Resolution amending item G of Resolution No. 1158, appr. 11/22/82 for the sale of a Building and Lot on S. Main Street (20th Ward) to Kenneth S. Kegley for the sum of \$1,500.00. Amendment is to correct TDEV Page number. Property designated as Block and Lot 19-D-234.

Also,

No. 2281 Resolution amending item K of Resolution No. 1158, appr. 11/22/82 for the sale of a house at 906 California Ave. (25th Ward) designated as Block and Lot 22-H-49 to Patricia Clyburn Berry, for the sum of \$1,000.00. Amendment is to correct name of former owners.

Also,

No. 2282 Resolution repealing Resolutions approved on various dates

for sales in various wards in accordance with Act No. 514. Sales are to be repealed and hand money forfeited in all the sales, as the purchasers have failed to comply with the Agreement of sale.

Also,

No. 2283 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2284 Resolution providing for the issuance of a warrant in favor of Noralco Corporation in the amount of \$4,429.00 in payment for Extra Work furnished for the benefit of the City in connection with the Bloomfield Bridge Demolition; and providing for the payment thereof. Funds are available in Code Account PW 80-17, 4-01-05-0424-80, Bloomfield Bridge; Demolition, Design and Replacement.

Also,

No. 2285 Resolution providing for the issuance of a warrant in favor of Green International in the amount of \$17,258.36 in payment for Emergency Engineering Services for Sidewalk Inspection and Rehabilitation furnished for the benefit of the City in connection with the Ft. Pitt Boulevard - Eastbound; and providing for the payment thereof. Funds are available in Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts.

Also,

No. 2286 Resolution providing for

the issuance of a warrant in favor of Equitable Gas Company in the amount of \$10,580.67 in payment for the City's share of materials furnished for work performed on the S. Aiken Avenue Bridge and the Herron Avenue Bridge; and providing for the payment thereof. Funds are available in Code Account PW 77-15, 4-01-05-0001-77, Bridge Inspection Program.

Also,

No. 2287 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of \$1,942.52 in payment for the City's share of inspection costs in connection with the Fifth Avenue (Boquet Street to Bellefield Avenue) Project Agreement No. 61223A; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of construction and Inspection Costs on Various Projects.

Also,

No. 2288 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of \$1,866.85 in payment for the City's share of inspection costs in connection with the Forward, Murray and Pocussett Street Project, Agreement No. 61223B; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of Construction and Inspection Costs on Various Projects.

Also,

No. 2289 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the

amount of \$4,098.50 in payment for the City's share of inspection costs in connection with the Greenfield Avenue Bridge Project Agreement No. 61223C; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of Construction and Inspection Costs on Various Projects.

Also,

No. 2290 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of \$2,545.93 in payment for the City's share of inspection costs in connection with the S. Aiken Avenue Bridge Project Agreement No. 61223D; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of Construction and Inspection Costs on Various Projects.

Also,

No. 2291 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of \$345.35 in payment for the City's share of inspection costs in connection with the Stanwix Street Bridge Project Agreement No. 61223E; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of Construction and Inspection Costs on Various Projects.

Also,

No. 2292 Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of \$1,867.56 in payment for the City's share of inspection costs in

connection with the Benton Avenue Project Agreement No. 61223F; and providing for the payment thereof. Funds are available in Code Account PW 82-30, 4-01-01-0210-82, City's Share of Construction and Inspection Costs on Various Projects.

Also,

No. 2293 Resolution amending Resolution No. 778, approved July 30, 1982, effective August 12, 1982, entitled, "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Rehabilitation of th P.J. McArdle Roadway from Pier No. 28 to the West Abutement; and providing for the payment of the cost thereof," by amending the title, providing for a Supplemental Agreement or Agreements, and by increasing the total project allocation by \$2,000.00. Funds are available in Code Account PW 82-10, 4-01-05-0001-82, In-Depth Inspection by Contract.

Which were severally read and referred to the Committee on Finance.

Michelle Madoff presented

No. 2294 Resolution creating a Special Trust Fund known as the "Voluntary Head Tax" to deposit voluntary contributions received from suburban persons who work in the City for purposes of contributing to City services they enjoy.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the

agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

I'd like to say that the reason for that is that I think the public might be interested to know that we've already collected twelve hundred dollars. Some of the money from people in the City who feel that ten dollars with inflation is not satisfactory and are making their own contributions.

Also,

No. 2295 Resolution amending Resolution No. 283, approved April 11, 1982 for contract or contracts for the relay of water main in conjunction with the improvements to the Chestnut St. intersection, by decreasing the appropriation therein from \$130,000.00 to \$60,011.64 payable from 1980 Capital Budget Account WD-80-06 (4-05-20-1100-80-151-80-05) Department of Water.

Also,

No. 2296 Resolution amending Resolution No. 1445, approved December 29, 1981 as amended by Resolution No. 515, approved May 25, 1982 as amended by Resolution No. 1018, approved October 1, 1982 by combining Line Items WD-82-8 and WD82-09, Department of Water and revising the scope of work.

Also,

No. 2297 Resolution providing for a contract or contracts for the Relay of Water Lines and Appurtenances in Third Avenue, Fourth Avenue and Market Street at a cost not to exceed \$420,000.00, chargeable to and payable

from C.B.A. WD-82-08 (4-05-20-1116-82) Department of Water.

Also,

No. 2298 Resolution providing for a contract or contracts for the Relocation of the Lowe Street Bridge Water Line, at a cost not to exceed \$60,000.00, chargeable to and payable from Capital Budget Account WD-81-16 (4-05-20-1105-81), Department of Water.

Also,

No. 2299 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to increase the scope of work involved with the rehabilitation of walls and arch repairs at the Water Treatment Plant (City Controller's Contract No. 25633), at a cost not to exceed \$66,500.00, payable from Capital Budget Account No. WD-81-04.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2300 Resolution providing for the issuance of a \$6,771.60 warrant to Art Frangos Contracting Company, payable from Code Account PR 82-18, for the installation of rolling doors and drywall at the Frick Park Service Building, Major repairs and Emergencies in the Dept. of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2301 An Ordinance amending and supplementing the Pittsburgh Code, Title Four - Public Places and Property, Article II, Communications, Chapter 425, Cable Communications, Sections

425.02(a), 425.10(f) and 425.20(d)(2), by permitting lower subscriber rates and other charges to elderly subscribers.

Which was read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 2302 Resolution transferring \$1,167.00 from the People Watching Out for People Trust Fund to the Emergency Street Phone Network Project Trust Fund.

Which was read and referred to the Committee on Finance.

Also,

No. 2303 Communication from Charles Lewis, Chief, Pittsburgh Fire Department, requesting permission for Deputy Chief John Harpur, Pittsburgh Fire Department, to attend the BOCA Code Mid-Winter Meetings in Cherry Hill, New Jersey on January 9-11, 1983 at a cost not to exceed \$200.00, payable from Code Account No. 1463, Misc. Services. (Interim approval granted).

Also,

No. 2304 Communication from Charles Lewis, Chief, Pittsburgh Fire Department, requesting permission for Paul J. Imhoff, to attend the Mid-Winter Conference of BOCA International, in Cherry Hill, New Jersey, on January 9-14, 1983, at a cost not to exceed \$650.00, payable from Code Account 1476, Misc. Services, Bureau of Building Inspection, Department of Fire. (Interim approval granted).

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2305 Resolution authorizing the Mayor, Director of Finance, Treasurer and Controller, City of Pittsburgh, to establish an Infrastructure Trust Fund.

Which was read and referred to the Committee on Finance.

Also,

No. 2306 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting permission for Reginald Young to attend a conference held by the National Community Development association and a session of the U.S. Conference of Mayors winter meeting on January 25, 26, and 27, 1983 in Washington, D.C., at a cost not to exceed \$550.00, payable from the Community Development Block Grant Program, Administration, Code Account CDPA.

Also,

No. 2307 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting permission for Gary Erenrich to attend a Conference sponsored by the Transportation Research Board in Washington, D.C. on January 16-19, 1983 from the Community Development Block Grant Program, Administration, Code Account CDPA.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2308 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and in the

same amount to replace the warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2309 Resolution providing for the issuance of a warrant in favor of Frank F. Conte, Inc. in the amount of \$387.92, chargeable and payable from Code Account 1048, Misc. Services, for the cost for repairs on computer room air conditioner without previous authority of law.

Also,

No. 2310 Resolution providing for the issuance of a warrant in favor of William M. Mercer, Incorporated, in the amount of \$4,200.00 for special actuarial services rendered in connection with the City of Pittsburgh Pension Funds.

Also,

No. 2311 Resolution authorizing the transfer of two hundred nineteen thousand one hundred and nineteen dollars (\$219,119.00) from the CETA Trust Fund to the 1983 General Fund of the City of Pittsburgh for Reimbursement of Indirect Costs, Comprehensive Employment and Training Program, CETA for Fiscal Year 1982.

Also,

No. 2312 Communication from Melanie J. Smith, Director, Department of Personnel and Civil Service Commission, requesting permission for Philip B. Schugar, Asst. Director, Department of Personnel and Civil Service Commission, to attend a training program in Monroeville, PA on February 16, 1983, presented by the PA Department of Community Affairs, at a cost not to exceed \$10.00, payable from Code Account 1100, Misc. Services.

Also,

No. 2313 Communication from Melanie J. Smith, Director, Department of Personnel and Civil Service Commission, requesting permission for David Farley, Senior Planner, Department of Personnel and Civil Service Commission, to attend a meeting of the PA Association of Prime Sponsors on January 13, 1983, in Harrisburg, PA, at a cost not to exceed \$260.00, payable from CETA Trust Fund, federal funds. (Interim approval granted).

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2314 Petition from the residents of the 200th block of South Winebiddle St. and the voters in the 10th district of the 8th Ward, requesting to make South Winebiddle Street a one way street from Penn Avenue to Friendship Avenue.

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

The Chair presents

Bill No. 2273 Resolution approving the appointment of George Jacoby as Director of the Department of Supplies.

Mr. Stone:

Mr. President, if I may. Relative to Mr. Jacoby, I've had the opportunity to work with him in the Finance Department of the City of Pittsburgh. I've known him to be very qualified for this position as well as to have the credibility beyond reproach. We have

needs for a Supplies Director but we need the talents of a lawyer as well. Mr. Jacoby, in addition to his financial capabilities, is also a lawyer so, in effect, we're getting some of his leadership as an attorney and also as a fiscal individual, and I think I can't overemphasize that matter because it's so important to this Council.

It's with a great deal of pride and honor that I take this opportunity to move for the approval of Mr. Jacoby as our new Supplies Director.

Mr. Stone moved for approval of the appointment.

Mr. Robinson seconded the motion.

Mr. Givens:

Mr. President, I echo the comments of Bob Stone. I think as a person who came before this Council, he had expressed himself with the in-depth knowledge of one that was the Treasurer of the City of Pittsburgh and one that I felt if I had a question to ask that he had all the information right at the tip of his hands.

Michelle Madoff:

Since Mr. Jacoby has give me his word that he will work with the Mayor and with the companies on repossessions and will try to save the City money, I not only vote aye but I vote aye twice.

The Chair:

Is there any further discussion on the appointment?

And on the question, "Shall the appointment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the appointment was approved.

The Chair:

Mr. Jacoby is approved as the Director of the Supplies of the City of Pittsburgh.

REPORTS OF COMMITTEES

Mr. Givens presented

Bill No. 2315

Report of the Committee on Public Works for January 5, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2239

A Resolution entitled, "Resolution authorizing and directing that the Bureau of Cable Communications, Department of Public Works, broadcast all of Council's regular legislative sessions, standing committee meetings."

Which was read.

Michelle Madoff:

Mr. President, I would just like

clarification. Mr. Perry, on Item 2, the broadcast coverage shall begin immediately following passage of this resolution. You and I discussed that and I believe there's a time lag. Could you clarify that for me, please? I'm a little confused.

Mr. Perry:

We could take it either way. Either pass it here in Council or after the Mayor approves it and it gets an effective date.

Michelle Madoff:

You want to do it legally, is that correct?

Mr. Perry:

Let's wait until we get an effective date which will be approximately January 24.

Michelle Madoff:

I just wanted to know so that I don't get my back up saying, "It's supposed to be here, where are the cameras?" It will not be until after the 24th of January?

Mr. Perry:

I would say around there.

Michelle Madoff:

I just wanted clarification. Thank you.

(BEGINNING - COUNCIL'S REMARKS
ON BILL NO. 2239 - 1/5/83)

Mr. Givens:

I would like to call Brother Richard Emenecker to the Council

table. As the Chairman for this particular Committee, in talking with the Bureau Director on it, there are some limitations that Council will have to be constrained with as far as the overall capability of that particular bureau, and I would like if Brother Richard would expound upon that; what can we do, what can't we do, what are your limitations, what services other than Council will the cable bureau be trying to --

The Chair:

Mr. Givens, excuse me. If I understand the bill at this point, it's whether we broadcast Council's regular meetings. Let's stay on that issue. You're saying other than that.

Mr. Givens:

Well, there are other limitations imposed upon the bureau as to how much coverage he can give any entity of Government, and I would like Brother Richard to explain some of the limitations.

**Brother Richard Emenecker
Bureau of Cable Communications**

First of all, speaking to the motion, we see no difficulty in doing Council's Monday afternoon legislative meeting and the Wednesday morning's Standing Committee Meeting; in other words, this meeting of Council.

We would be able to commit to doing that for all of 1983. We would do it essentially the way we did the budget hearings. It would be a three camera setup, and we would use the same rules of procedure. A camera would be on the chairman, the person recognized by the Chair or an overall shot of Council. The only variation to that would be periodically if three, or if two Council

members are in a dialogue back and forth and a third one happens to be in the center as you have seen, we periodically have had to have a modified shot. But, we are prepared to commit to the time, material, and resources of personnel to do the Monday afternoon meeting, and the Wednesday morning meeting each week.

Mr. Givens:

Now, would approximately —

Brother Emenecker:

One other thing on that. That would be done live, and it would also be played back. The Monday afternoon would be played back 5:30 Monday evening and the Wednesday morning meeting would be played back at 5:30 Wednesday evening. The other point would be that at the Wednesday meeting, it would be gavel to gavel of the Standing Committee, but it would not include post agenda.

Michelle Madoff:

Why not?

Brother Emenecker:

My feeling on the post agenda is that it is very open ended, and my understanding is that it is not a formal, official part of the Standing Committee Meeting.

Michelle Madoff:

So what.

Brother Emenecker:

Well, what we are trying to do is to treat Council as a body, and when Council meets as a body, the Legislative Meeting and the Standing Committee

Meeting goes gavel to gavel of the meeting.

Michelle Madoff:

Who makes that decision?

Brother Emenecker:

Council would have to come up with a different interpretation and I'll follow that, but I think — I wanted to point that out.

Michelle Madoff:

May I comment on that, Mr. Givens?

Mr. Givens:

I would like to go through that particular point. Now, we have some 50 — traditionally, we have been getting some 50 to 52 hearings a year, and the limitations on — can you cover those particular hearings or any of those hearings?

Brother Emenecker:

At this point and time, we would prefer not to make a commitment to cover public hearings of Council simply because we are trying to — with a small staff and one production facility — cover all departments, authorities, and Council, and there are limits — I'm not saying that I regret those limits. I think that they are limits that we can all live within, and therefore to be somewhat balanced in presenting information about City Government activities and services, we're prepared to commit the Monday afternoon and the Wednesday morning, and the other times, we would be doing productions about informations about City Government activities and services.

If we were to do the public

hearings, we literally would have to commit all our resources to this Chamber; a minimum of three days a week, more like four days a week, of staff time. It would provide us with very minimal amount of time to do programming of an informational nature about City Government activities and services, other than what Council does.

Mr. Givens:

In observing the Government Channel 17 and seeing what has been on there since we really got into production, I see a tremendous repetitive and maybe, you know, two or three programs that have been presented so far. How many programs has the bureau presented on the Government channel?

Brother Emenecker:

I submitted a report in Council about a month ago, I believe. It was probably eight or nine productions that we have been able to do, but we were not able to do any productions while we were doing the budget hearings because, as you know, they were very expensive. So, what we are trying to do as we look at it, we're going to increase the information capability. We would be devoting two days a week to Council, and the rest of the time, which would be about two days, two working days from production to productions about Government activities and services other than Council.

So, I'm trying to work out a balance. It's the first time that the City has done any of this, and I would ask Council's indulgence, if you will, for at least the first six months of next year to allow us to achieve what we believe to be a balance, and saying our first commitment would be to Monday afternoon and Wednesday morning. That would not be changed.

Mr. Givens:

Could we ask for a report from you quarterly as to the progress and how it's coming along and something by the first of July as to whether or not you will be able to conduct public hearings, and those hearings I would have to say if they are limited in scope, then the President of Council then would, knowing which ones are very controversial and which ones have the most public attention, those that change the form of Government, whichever the case might be, would probably subject them to a public hearing.

For example, the hearing yesterday, the people that lived on the North Side, I'm sure would have liked to have seen that, you know, that particular presentation was almost the second longest that we had within Council, but one that had a good exchange of ideas on the community and how they are to survive in the growing environment. And I ask for that report.

Secondly, to go back to your question of the post agenda, I think that that is something that Council must sit down and think about.

Michelle Madoff:

Right now.

Mr. Givens:

No, no. I don't think we have to think about it now.

Michelle Madoff:

Why not?

Mr. Givens:

Well, Michelle, he threw a kind of thing in here, and for the first time, I

just heard it. I would like to think about it a little bit as to whether or not he should -- if he has the capability because we have to appreciate that time is his problem, and the fact that our post agenda in some cases go beyond the thing, and one thing all of us have to be aware of; when you go into a post agenda, it is a singular person giving that presentation, and although it might have deep concern about government -- in fact, I think many of our post agendas are more serious of what happens in government, and more food for thought and direction comes out of the particular post agenda items. However, being in a political arena, one has to be very sensitive to this particular area. As a result, I would like to discuss it with each of my colleagues to be sure that we are going down the right pathway.

Michelle Madoff:

Are you through, Mr. Givens? Brother Richard, I would like to call your attention to the record of Monday, October 4 and to a subsequent record which is not dated here, which was a Wednesday meeting -- Monday meeting. They are both Monday meetings? Why would they both be Monday meetings? I want the Wednesday and the Monday meeting. One is Monday and one is what?

Mr. Perry:

They are both Monday meetings.

Michelle Madoff:

Well, there is something missing, the point being that last year, if memory serves me well, and I have 20/20 vision, 20/20 hearing and 20/20 memory that we discussed at this Council at my recommendation that we televise on cable all of the budget hearings; is that correct?

Brother Emenecker:

That's correct.

Michelle Madoff:

And then I came back and I said, "You know, if memory serves me well, and based on the two former reporters that covered Council for the Press and the Post, they found the meeting so boring that if a reporter has found it boring, we were going to bore our audience to tears and tune them off before they even got tuned in, and I thought it was very important to cover, not only the budget hearings, but the regular meetings. It was voted on in this Council and agreed upon that we would do that.

Mr. Givens felt that he was head of the cable committee, I disagree with that. I thought Sophie was head of the cable committee, and she agrees with that. We have decided that there would be a meeting with you --

Mr. Givens:

Define yourself, Michelle. Which committee? Sure, Sophie is in charge --

Michelle Madoff:

Head of the Cable Committee --

Mr. Givens:

Cable Advisory Committee.

Michelle Madoff:

That's what I'm talking about. The Cable Advisory Committee.

Mr. Givens:

That's right. Define what you're saying, please.

Michelle Madoff:

It was decided that because of the pressure of time, as budget hearings were going on every day, and Sophie would form a Committee and I think she was gracious enough to include Mr. Givens because he heads that Committee and decide what the priorities would be, and it was decided — Sophie correct me — that we would do only the budget meetings for that year because the time was pressing, and you felt that that was all you could handle. Is that correct?

Brother Emenecker:

That's correct.

Michelle Madoff:

And it was also correct that following the New Year, you would then be able to do the Monday and Wednesday meetings, is that correct?

Brother Emenecker:

I stated that we would be able to do it if Council wished that —

Michelle Madoff:

But it already passed, and it was already law that we would do it. We were only postponing it for your convenience and for the limited facilities and capacities that you had. It was already approved and voted on by this Council.

Mr. Givens:

What's your point, Michelle, that you —

Michelle Madoff:

Don't interrupt. I can speak for myself. I will not interrupt you.

Is that correct? We voted on it. We had agreed upon it. It is a matter of record. And there is another record.

Mr. Perry:

In fairness to Brother Richard Emenecker, he did ask me about televising Council's regular meeting, and he asked me what he should do, and I told him. I said, "Mr. Givens will be introducing legislation next Monday." And I told him, "So there won't be any squabble, yes or no — I told him not to televise until this piece of legislation is"

Michelle Madoff:

Mr. Perry, with all due respect to you, and I think you were being very gracious — I don't think it was your intention to be a bottle neck at all. I think you were being courteous. And I think, with all due respect to Mr. Givens, if Mr. Stone or Mr. DePasquale introduced the bill that I introduced earlier, that was passed by this Council, there would not be introducing of another bill to reinvent the wheel. It already passed, and Brother Richard was absolutely right and on target, and I owe him an apology with my conversation with him the other day because I did not know that he was ready to go ahead, pending this bill that Mr. Givens was going to reintroduce on a bill that already passed.

Now, let's take it from there since it's after the fact.

The Chair:

I think there was a motion made, but there was never any bill passed.

Michelle Madoff:

It was voted on, and this Council

is on a tape, and it was voted on.

The Chair:

There was never any bill passed.

Michelle Madoff:

Out of courtesy, I decided that we just let it ride because the Chairman felt too strongly about it and you felt that you wanted to be gentlemanly and Mr. Perry said let's not have a hassle, I backed off.

And the thing I want to point out is something that Mr. Givens has just said, and I hope that my colleagues would concur. Probably the most important thing that the public needs to know is who stays for the post agendas, what the subjects are because they are the gut of what happens in this City. It's a real gut informational part of the meeting. Generally our meetings will run from 10:00 to 11:30 and the post agendas start generally no later than 11:30, and we're over by 12:30 unless it's a very serious matter. And if it is a serious matter, our public has every right to know about it. And the very least we can do is cover the post agendas.

And furthermore, which I feel equally as strongly about, is that we have — how many people were here yesterday? We had about 200 people here with a very major concern about this community and it is still ongoing. It is very pressing. It is not just one hospital. It affects all hospitals. We run into Allegheny General, and we run into Oakland. And we run into Divine Providence. In my estimation, Divine Providence acts as good neighbors. Allegheny General did not act as a good neighbor.

The University has moved to encroach on the Oakland area. They

practically moved Jeep out of the area. I think the public has a right to know which of the hospitals are responsible and which are not.

Mr. Givens:

Mr. Chairman —

Michelle Madoff:

I'm talking. It's my turn and you are going to let me finish.

Mr. Givens:

Stay on the post agenda.

Michelle Madoff:

I am not on the post agenda. I've now gone from the post agenda to saying that I want to amend this bill to include "post agenda and the major public hearings".

If it's a zoning hearing, and nobody is objecting to it, it's going to take three minutes, we don't need to waste your time on it. If it's a major —

Mr. Flaherty:

What —

Michelle Madoff:

That is a motion.

Mr. Flaherty:

I second the motion. But I have a question to Brother Richard —

The Chair:

Hold on. Mr. Robinson asked for the floor, but we are going to do this — Do you want to speak on the amendment?

Mr. Robinson:

Thank you. Mr. Chairman, I had an opportunity to speak with Brother Richard about this overall issue yesterday and shared with him some concerns that I think I should very briefly share with Council. It seems to me that this issue that we are struggling with relates to the fact that the nature of use doing the public business has been changed and will be changed because of the advent of Cable Communication and that most of our discussion on whether or not Council sessions and our Committee sessions should be cable casted in mute. It seems to me that the law is relatively clear that Channel 17, the Government Channel, is available so that the Government of the City of Pittsburgh can project its program, etc., to the general public and certainly it's been used for that purpose.

Certainly, the Mayor, as an elected official and the administrative head of the City has had access to that system and if anyone watched it last night, the Mayor was on talking about the international Fire Fighters helping the Muscular Dystrophy efforts. It seems to me that members of Council, as individuals and as this body, have a perfect right to have access. The question is under what set of circumstances are we going to have access.

Now, we have a Committee structure within this Council. We have a president, we have a presiding officer. It would seem to me that we need to recognize that it's not business as usual that cable is here to stay, we did the budget hearings, we are going to have to do other hearings. Members of Council are entitled to be on cable. We might as well sit down at some point and come up with a reasonable procedure to have our meetings to put on cable, whether they

be post agendas, or standing committee meetings or what have you. To continue to go back and forth about how long it's going to take us to get on there and what meetings should go on there, to discuss that in public, it's no good. I think Council Bill 2039 is — the ordinance itself, is very direct. Every time I see the Mayor on there or the Department heads, it just makes it more clear that certainly this Council has a right and an obligation to be on there, and Brother Richard should have been about the business of putting us on there a long time ago. And to delay that is to deny every member of this Council their right to have access to Channel 17. Not for our own personal projection, but to conduct the legitimate business of the City of Pittsburgh.

I think the amendment is for that issue, and I think unless this Council makes some direct request to Brother Richard to provide access to each Committee Chairperson and to make some provision to have our sessions cable casted, all we are going to end up in is a lot of recriminations and a lot of members of Council going off and doing things on their own.

Let's get about the business of televising the meetings and giving each member of Council their opportunity to be on Channel 17.

Michelle Madoff:

Could you clarify that for me, Mr. Robinson? Do you mean like the Mayor and like Department Heads they should just go to Brother Richard and say that they would like to have some time on or do you mean that when you're holding a post agenda here and you are discussing a very important issue with Department Heads and not able to get information that you have asked for over and over again, and you want to discuss it at a

meeting, the public has a right to know that. What do you mean?

Mr. Robinson:

I believe that every Council session, every public hearing, every public meeting, that is held in this room to start with should be available over Channel 17.

Michelle Madoff:

Thank you.

Mr. Robinson:

Any business that members of this Council or the Mayor conduct on behalf of the citizens of the City of Pittsburgh, if we have the technological capability, should be available on Channel 17. You should all have the same access as anyone else does to conduct the public's business, and I think we have to set some perimeters so that we don't get on there and start doing things that are political or personal.

Michelle Madoff:

Right on.

Mr. O'Malley:

I would just like to say that I agree with Councilman Robinson. I also agree with him that that should not be discussed at this table. We have — once we decide who the Chairman of the cable is, I think it should be up to that Chairman to ask two or three members of this Council to sit on that board with her and to draw up rules and regulations and guidelines on how we are going to conduct our meeting.

I have sat here for four weeks during the budget hearings, and some members of Council couldn't get a word

in edgewise.

Michelle Madoff:

They had nothing to say.

Mr. O'Malley:

I think all members of this Council have something to say, it's just that other members don't want to take the time to listen.

And I think we should have guidelines. I don't think that the cable should be used for grandstanding.

Michelle Madoff:

I agree, especially on —

Mr. O'Malley:

I'm not finished yet.

And I also agree with Councilman Robinson that as Councilperson as a Chairman of every committee, they certainly should have access on their own time when the rest of us don't have to here to explain their point of view regarding their committees to the public. And we need a format and a guideline, and I think it should be up to the Chairman of that Committee to set those guidelines and to present them to this Council.

Mr. Flaherty:

Yes. I have some questions for Brother Emenecker in regard to the amendment. To try to put everything into some kind of perspective, and please correct me if I am incorrect, are you saying that you now can't cover all proceedings of Council because you have inadequate staff? I can understand that because I am aware that you have other shows you have to produce, and we are in

here almost every day, but is staff, the chief impediment for not being able to cover all proceedings of Council?

Brother Emenecker:

Yes.

Mr. Flaherty:

How would you have to expand your staff in order to cover all proceedings?

Brother Emenecker:

We would have to have a totally separate production crew set up just to handle everything beyond the Monday and Wednesday morning, or we can do it all with the crew that we have now, but we would not be able to do anything else.

Mr. Flaherty:

Okay. Well, you have to do other things, and I believe everyone on Council is also —

Brother Emenecker:

That also includes the information. I mentioned in Council earlier, we are getting a much more elaborate system which we will be able to provide over 1,000 pages of information. That takes time to gather that information.

Mr. Flaherty:

Okay. Specifically now, in regard to the amendment which only holds for cable coverage for the post agenda sessions. The post agenda sessions, as I'm at the end of Council's Committee Meeting, and they are usually short. Would you need any more staff — I can't see how you would need any more staff to cover the post agenda sessions since

you are here to cover the Committee Meetings. It seems to me the only thing you have to do is keep the camera on for another 20 minutes or so.

Brother Emenecker:

We probably could do it. I would have to check the Union Agreement in terms of the production personnel. They start at 8:00 in the morning, whether there is any union provisions that they cannot work more than four hours, or they must break at lunch at some given time. I don't think so, but I would have to examine that.

If your meetings — if your post agenda lasted for up to an hour, we probably could do that. The only difficulty I had, and that's why I brought it up, is saying that we would not do the post agenda, is it is my understanding that that is not a formal part of the Standing Committee, and the motion on the table is to do the Legislative meeting, and the standing Committee meeting.

Mr. Flaherty:

Okay. In response to that, from my experience it seems that, at the most, only ten percent of the total number of post agenda exceed an hour, and I think ten percent is very conservative of approximations. So, essentially, you are saying that the only problem that you have as far as cable casting a post agenda is that you have to check the union contract?

Brother Emenecker:

Right, but I believe that we would be all right.

Now, I have one other point that would have to be clarified by Council; who is in charge of the post agenda,

when does it start, and when is it over.

Mr. Flaherty:

Okay.

Brother Emenecker:

Because right now, we are going gavel to gavel —

The Chair:

More importantly, what is on there.

Mr. Flaherty:

Yes, exactly.

The Chair:

That's why Mr. Robinson's point is well taken.

Mr. Flaherty:

Well, that is — now that I feel that we have clarification on the technical capability of cable casting our post agenda meeting, I feel that it is imperative that we on Council give our approval for coverage on the post agenda because as was brought out, the post agenda is not a formal part of the Committee meeting, and I think that is the beauty as to why perhaps it should be broadcast.

As Councilman Robinson has brought out, the Mayor is utilizing cable, the Directors are utilizing cable, and the post agenda is an opportunity for members of Council to also utilize cable; but more importantly than that, the post agenda is not in the controlled setting that a Committee meeting is or a final action session is, and often time in a controlled session, I think there are important issues that tend to be

controversial at times that are often times effectively reduced or in a sense quashed and I think in recalling some of the post agendas here, I think they were extremely sensitive, and I think if perhaps it was up to the consensus of this Council, those issues may not have been aired, and I feel that it's imperative that at times an individual member of Council, if that may only be one, that they have the constitutional right and they have the responsibility if need be to probe an issue or to ask some questions on an issue, and I think that it is imperative that we have post agenda sessions because they are free of not being watered down, not being restricted. I think they are very fresh, and I think some of them would probably be of more interest to the public than our average Committee meetings would be or our final action sessions.

The Chair:

If I may for a moment. As I listen to everyone's comments here, I would like first to say that I am not afraid of anybody looking over my shoulder to see what I'm doing, whether it's at this Council table or anywhere else, but from what I have listened to as far as the technical requirements are concerned, too often everyone wants a run on T.V. and the worst thing you could do is to go there when you don't know what you're doing yourself.

I think the suggestion by Brother Emenecker is a valid one. We do those meetings that we have, and as far as the other things, you can refer that to a Committee to find out how we're doing it. I have seen post agenda items here that don't even belong at this table.

Michelle Madoff:

Well, usually, you are not here for them.

The Chair:

Well--

Mr. DePasquale:

That's because they're not of interest.

Michelle Madoff:

That's right. Public business. They're not interesting.

The Chair:

We listen to you even though we are not--

Michelle Madoff:

No, you don't listen, you're never here. Don't worry about it. You don't have a problem.

The Chair:

You're out of order at this point.

Michelle Madoff:

But you made a statement that was out of order, and I thought we ought to just address it.

The Chair:

Well, learn to shut up sometime, you'll see it may help your listening power.

Michelle Madoff:

Sir,--

The Chair:

Let's cut it out. That's enough.

Michelle Madoff:

I think the word, "shut up" is out of order because you are a male chauvinist pig.

Mr. Givens:

Mr. Chairman, I am to point in this Council, if I might use the point of privilege, of ejecting people from this Council by the unanimous vote of those Council people who are present. If I hear continuously this type of dialogue going back and forth, then I will submit such a request.

Michelle Madoff:

Starting with, "shut up." I think it's a good beginning.

Mr. Givens:

I am very serious, Michelle, and I think other fellow Council members are very serious.

Michelle Madoff:

So am I. And my lawyer is very serious too.

Mr. Givens:

We must bring order to this Council, and if the only way to do that is to eject a person, then I am for it.

The Chair:

If I may continue uninterrupted, I would like to complete what I started.

Mr. Givens:

Excuse me Mr. Chairman, but I felt this has to come to head sooner or later.

The Chair:

Relative to the amendment at this time, I think we are somewhat premature. I think we ought to do as Brother Emenecker has suggested and to cover that way. See where we go with it, and gradually build from it rather than just some sort of blurred blotching kind of thing which I don't think helps Council or helps the public, and I would just end with one remark, and I think it's imperative, because I think that has also been brought up but needs emphasized. At this table, we are not running a road show or a television program. We are running City Council's business, very serious business, and we should not be looking at a camera or speaking to a camera, but rather continuing this meeting, and the object of television is to let the public know what we do ordinarily, not what we do when they are watching us. I think that is an extreme caution that needs to be emphasized there.

Now, on the amendment.

Michelle Madoff:

What is the amendment?

The Chair:

The amendment is that we—we have presently Bill 2239 which is to cover the television and the regular Legislative sessions and Standing Committee.

And amendment was made by Michelle to cover the Post Agendas and important meetings.

Mr. O'Malley:

Chairman, in clarification, please. I would like to make a motion—

Michelle Madoff:

You cannot make a motion on my motion.

Mr. O'Malley:

Can I talk, Michelle?

Michelle Madoff:

It is illegal to make a motion on my motion.

Mr. O'Malley:

I'm asking for clarification. When would it be possible for me to make a motion to have the Chairman of the Cable Advisory Committee set up guidelines in which this Council can conduct its business.

The Chair:

In the event that this motion would fail, it would appear that that is the time to do it.

Mr. O'Malley:

What I want to do is I want to have the Chairman set up guidelines so we can conduct our meetings by it.

Mr. Givens:

That kind of clarified my point. I was indicating that I would abstain from any voting to at this particular time to have your amendment be adopted to for the Post Agenda for the mere reason that I think this has to be discussed either by Council or the Committee on Council that is set up by each of our Council people; all of us have the opportunity to put someone on that particular board, and I think the board is a fine Advisory Board of Council. It's too bad that we didn't take all of their

suggestions all along. But again, it is an advisory board, and it must come back to this Council, any final form to be debated and voted up or voted down, but I feel that we should not jump into this thing too quickly and too hastily, otherwise, we must have a kind of a group within the industry itself, within the televising of the City of Pittsburgh. And if we are to have a Post Agenda, and there is extra time being generated from the Cable Bureau, then how much are they going to be able to do. We must consider the other facets of Government, and the other information that must be given out, and we must then as described here by Bill Robinson take a fair share of that time, but we cannot take the major proportion of that time. These guidelines they must be drawn up, and I think the fact that we have three bodies of Government. We have the Mayor, we have the Controller, and we have the Council of the City of Pittsburgh, but somewhere, these three bodies must get together and say how much time they will need and then, that has to be budgeted.

Now, we just went through a budget session. I had talked to Brother Emenecker before the budget session on his capabilities and his limitations and etc., and at that particular time, it was thought that this was the best that we could do for this particular year. I would assume in coming years, that this thing will grow into a 24 hour. If need be, they will put in another Government station if they have to, if they want to cover any interest generated in the public eye to want to look at what is happening within Council.

So, I'll ask that this amendment be withdrawn, and placed into the Committee and from there be studied and brought back to this floor whereupon each Council member can debate the issues, and the various points, and vote it

up or vote or down.

Michelle Madoff:

May I respond.

The Chair:

Wait. Wait. Wait. I don't want to go into debate. I'm getting ready to call--

Michelle Madoff:

I think before we call it, we need clarification--

The Chair:

No.

Michelle Madoff:

Two people have asked me for clarification--

The Chair:

Hold on. You have spoken twice on it. Tom has spoken twice on it--

Mr. Flaherty:

I have spoken once on it, Mr. Chairman.

The Chair:

Okay. I stand corrected. Mr. Robinson has spoken on it. Mr. O'Malley has spoken on it. Mr. Givens has spoken on it twice.

Mrs. Masloff:

I want to say something.

The Chair:

Sophie has not spoken on it, and

then I'm going to call the question.

Mrs. Masloff:

I want to bring up this matter of Post Agenda. In most instances, a Post Agenda is called by an individual Council member. They think that when that matter is brought here, it's earth shattering. It may not be to the people out there, and it may be. I don't know.

Now, I don't think that every issue that is a Post Agenda item is of interest to the general public, and I think it is ridiculous to waste time, our cameras, and all of our people on all of the Post Agenda items just because a particular Council member thinks it's earth shattering. It may not be, but they think so. So, I think we have to have some guidelines as to the Post Agenda.

Michelle Madoff:

Sophie, I don't disagree with you—

Mr. Flaherty:

Roll Call vote, please, Mr. Chairman.

Mr. Perry:

Mr. Flaherty?

Mr. Flaherty:

Aye, and the reasons why I am supporting the amendment is that I feel that the public has the right to know, and as far as what is important to the public or what is not important to the public is not up to this Council to decide. It's up to that individual who is watching the cable, and I feel that Council in trying to restrict coverage, especially in view of the testimony or the answers to my questions from Brother Emenecker that he does have the technical capabilities to

broadcast Post Agneda sessions. I think that Council to get into the whole field of trying to restrict what is going to be broadcast or to be selective is hovering upon a very dangerous field of sensorship, and if need be, this Council should be going in the opposite direction and saying to Brother Emenecker what can we do, how can we help you as far perhaps expanding your staff or expanding your technical capability.

I feel very strongly. That's the direction we should be going in; a progressive direction, rather than a regressive direction.

Mr. Givens:

Yes. As I indicated as Chairman of this particular committee, and this particular bill, I abstain on this vote hoping that the other Council members would want for this to go into committee. Sensorship is one thing on the one hand, and I'll be very frank. This is a political body. We are elected officials. Sensorship is one restraint, but I hate to see it go in the other opposite direction where any individual would use this form to project himself. I abstain. I am for the information for clarity. I am for the Post Agenda being broadcast, but I feel that we have to sit down and draw up guidelines for that Post Agenda.

Mr. Perry:

Michelle?

Michelle Madoff:

I believe that the bill as already—the contract that we signed with Warner Cable already entitles us to give the public the right to know; to not disenfranchise the public, to abide by the first amendment, and while I have no objections to having a committee determine minute things, such as if we

have a zoning hearing, where there are no objections that we are in and out in five minutes, and those things would not be covered, or a Post Agenda that is informational where you would say to the Chairman of that Committee, "is that important, do you want coverage?" When we have an issue like the self service stations, and where Mr. O'Malley rightfully presented his case and did an outstanding job, I think he had every right it was important to point out that when Mr. Larry Yatch came before us having done 6 months of work on a study on whether we should go to a separate fleet, the members of this Council didn't bother to attend, and I think the public has every right to know that, and I will put every member of this Council on notice, that whether it passes today or it doesn't pass in the near future--and this is not a threat--I spoke to Brother Richard yesterday. I will have legal action taken to see that the original contract is enforced. I trust Sophie to see that the frivolous things are not going to put in, the things that are going to take five minutes that say they're going to vote for this--

Mr. DePasquale:

Point of order, Mr. Chairman--

Michelle Madoff:

And I vote, of course, in favor of my motion, but I want the Council to know what is going to happen.

Mr. Perry:

Mrs. Masloff?

Mrs. Masloff:

Abstain.

Mr. Perry:

Mr. O'Malley?

Mr. O'Malley:

I vote no, but I would just like to make my statement that I think we have to establish guidelines and we have to establish a format, and keep these Council meetings from getting completely out of hand, and after the vote, I'm going to make my motion to establish those guidelines. No.

Mr. Perry:

Mr. Robinson?

Mr. Robinson:

I vote Aye, and I would like to explain my vote very briefly. I think it is rather clear that Channel 17 is the Government Communications Channel. I think it is rather clear to each elected official in the City of Pittsburgh has access to that channel. In that regard, I think that we address the issue of our committee assignments and exercise our options as Committee Chairpersons under the rules of Council and have a regular Committee meetings that would be on firmer ground to request from Brother Richard, coverage because that indeed would be for the good of this Council.

One, the Post Agenda is unfortunately are used in lieu of regular Committee meetings, and I would suggest to members of Council that if you have your regular Committee meetings at a regularly scheduled time, you can do your thing, whatever it is, and still be on firm ground.

Also, in reference to Mrs. Masloff's comments about Councilman O'Malley, in terms of being fair to

everyone concerned, we are here talking about Channel 17. Councilman O'Malley did not appear on Channel 17, which is the Government Channel.

Michelle Madoff:

He did, sir. It was Warner Cable.

Mr. Robinson:

Wait a minute. I believe Councilman O'Malley appeared on Channel 59, which is a community access channel to which all of us as citizens are entitled to go on. All of us can go to any of the neighborhood stations and produce the Bob Stone Show, the Ben Woods Show, and do your thing. That's why I'm saying that there are a lot of options out there, but let's concentrate on Channel 17 because we have a right to it, and I vote yes.

Michelle Madoff:

Excuse, it was done in this Council.

The Chair:

Michelle, your're out of order.

Michelle Madoff:

It's not out of order to get the facts out.

Mr. Perry:

Mr. Woods?

Mr. Woods:

I vote no until there are some guidelines set up, besides that, I'm shy.

Mr. Perry:

Mr. DePasquale?

Mr. DePasquale:

No. We are boring the public enough now.

Mr. Perry:

Mr. Stone, Chairman.

The Chair:

No.

Mr. Perry:

Ayes, three; Noes, four; two abstain.

The Chair:

The motion fails. Okay. All in favor on the bill 2239?

Mr. Woods:

Opposed.

Michelle Madoff:

When will it start.

Mr. O'Malley:

My motion falls in there. These guidelines have to be established also, Committee Meetings—I would like to make a motion that Mrs. Masloff, Chairwoman of the Cable Committee set up a committee with two additional members of this Council on it to set the guidelines and format for Committee meetings, also for Post Agendas and Public Hearings.

Mrs. Masloff:

Wait a minute. That's too much responsibility.

Michelle Madoff:

All of us.

Mr. Flaherty:

I have a question for Councilman O'Malley. The way Council seems to function now is that all members of Council reside or participate on all committees. We in Council are—our Committee meetings are in—Why not have all members of Council submit their ideas as to what the guidelines be. Would you be willing to change your amendment.

The Chair:

I don't think that's what he meant. He want's somebody to start something, and then you add to it.

Mr. O'Malley:

I don't think that's how a committee system is supposed to function with nine of us rambling on.

Mr. Flaherty:

We ramble on in everything else.

Mr. O'Malley:

That's the problem. That's what I'm trying to correct here.

I have no problems with Sophie appointing whoever she wants to sit on that table.

Michelle Madoff:

I do.

Mr. Flaherty:

I do.

Mr. O'Malley:

She is the Chairwoman of that Committee. I think it is her prerogative to appoint to that—

Mr. Flaherty:

I think we are getting in dangerous ground where a few Council people are going to—
The Chair:

Tom, let him finish now. When you talk, he listens. Let him talk now, and you listen.

Mr. Flaherty:

And then I'll talk.

The Chair:

I'm surprised at some of you people. You always want your share, but you don't let anybody else give there.

Mr. O'Malley:

The suggestion that I would like to make is that I would recommend that each member of this Council would have input to that Committee; that they could meet with the Committee, they could submit their ideas to Mrs. Masloff, and she can either put them into the legislation or take them out of the legislation. So, I think every member of this Council certainly has the right to have their input and to air their views. Also, once she presents this piece of legislation to this Council, they also have the alternative to vote it up or to vote it down.

Mr. Givens:

Sophie is in fact the Chairwoman of Council's Advisory Committee, and that is a functional body, and I would

hope that each of the Council people would like to submit a letter to that particular body to look over the capabilities of the bureau. Brother Richard sits on that particular committee as an advisory, and to submit to that committee some type of form, and the fact that committee was formed by Council, and the fact that the committee represents the citizens and a cross section of the citizens of the City of Pittsburgh and that they are in fact representing the citizens of the City of Pittsburgh; and how do they, the citizens want their Council to be viewed. I think it should be taken out of the hands of the people at this particular table, and put into the hands of the Citizens Advisory Committee, and let them make the decision as to how this body will be presented to the public.

The Chair:

I have a motion.

Mr. Flaherty:

Roll call vote.

The Chair:

Call the vote.

Mr. Perry:

Mr. Flaherty?

Mr. Flaherty:

I am absolutely opposed because we are getting into the realm of the Government is going to regulate what goes out to the public. We all came up, I believe with grade school educations about how that is such a corrupting effect in an other Country where the Government regulates the media, and I feel that we are going completely in the wrong direction on this because the

possibility exists, the way I understand the amendment, where Council could come back and say, "we don't want any of our proceedings broadcasted," and if a majority of the members of Council support that finding, then there won't be any cable casting of any proceedings of Council.

I think we are into a very sensitive realm. I think this Council should be the last people to have input into what happens in these proceedings, and I feel very strongly that we should have hands-off, and that if anything, we should have hands-off, and that if anything, we should give the capability to Brother Emenecker. I feel that he is removed from the Political realm, certainly much more than we are, and it should be open, and everything should be broadcast.

The Chair:

Keep going, Mike. I hope that everybody won't make another debate every time they vote.

Mr. Flaherty:

I'm entitled to explain my vote.

The Chair:

You certainly are, but to be quite honest with you, I think everybody said it in debate. Why do you have to say it again when you vote.

Mr. Flaherty:

That's the first time I expressed my—

Michelle Madoff:

That's democracy.

Mr. Flaherty:

That is democracy Mr. Stone.

Mr. Perry:

Mr. Givens?

Mr. Givens:

On the amendment I vote, no, and for previous reasons stated. To set up guidelines, I feel, as Tom described, I think the Citizens Advisory Committee is the instrument that this Council should use to set up guidelines as to what procedures will be viewed by Channel 17. For that reason, that's why I leave it in the hands of the Citizens Advisory Board with the input of each of Council members any suggestions we would like to give them. But ultimately, that they come up with some form that still I feel must come to this Council for final vote.

Mr. Perry:

Michelle Madoff?

Michelle Madoff:

Sophie Masloff just stated, so we can all hear her, that she feels that she has had enough input from everybody—she knows everybody's view points already, and I think that we should be voting as a body, not a committee of three as a dictatorship, and I vote no.

Mr. Perry:

Mrs. Masloff?

Mrs. Masloff:

Aye.

Mr. Perry:

Mr. O'Malley?

Mr. O'Malley:

I vote aye, and I would like to comment on what Mr. Flaherty said. Every elected body, including the United States Congress have specific guidelines that they must follow. Each Congress member is permitted five minutes to speak on a topic. I don't think setting guidelines for Post Agendas and for Committee meetings is any way regulating the media. I don't think this Council is trying to regulate what the public sees or what the public doesn't see.

I think what some of us try to do is try to establish a format and guidelines so that we can conduct public business in a proper manner instead of some members of this Council using the media for their own personnel gains. I vote yes.

Mr. Perry:

Mr. Robinson?

Mr. Robinson:

I'm going to vote yes, and I would like to explain my rationale. First of all, I think that the request is in order inasmuch as the rules of Council certainly give to Mrs. Masloff the power to do exactly what Mr. O'Malley is more specifically requesting her to do.

Certainly the President of Council can structure the committees in any fashion he thinks is appropriate. I think it makes good common procedural sense.

Second of all, again, all members of this Council have a legal Constitutional right to access to Channel 17 and have a right under the current ordinance. Also, I don't think anybody on this Council should believe that any vote that this Council takes on rules and

regulations can supercede the right of every member of Council to have access to Channel 17.

In that regard, in pursuant to the rules of Council, on the second Friday of each month at 10:00 a.m. in Council Chambers, the Committee on Planning, Housing and Development will convene. I have sent a notice to the President of Council, to members of Council, and I have made the appropriate request of Brother Emenecker to cover that session—those sessions on Channel 17.

Mr. Perry:

Mr. Woods?

Mr. Woods:

I vote Aye, and Tom, 2239 is already passed, so our Legislative and Committee meetings are already going to be one. Nothing can be changed by that, but I believe we should—I believe they will come up through the Post Agenda. So, I vote Aye.

Mr. Perry:

Mr. Depasquale?

Mr. Depasquale:

Mr. Stone, Chairman.

The Chair:

Aye.

The motion passes, we will now move to the Committee on Planning, Housing, and Development.

Brother Emenecker:

May I answer a question that was asked earlier.

The Chair:

No. There is nothing on the table. The amendment—

Michelle Madoff:

That is very rude. I want to hear what Brother Richard has to say.

Mr. Flaherty:

I think he should be entitled to comment.

Michelle Madoff:

And Courtesy.

The Chair:

We have now voted. There is no more subject on the table.

Michelle Madoff:

Ayatollah has spoken Brother Richard.

Mr. Flaherty:

I put forth a motion to hear what Brother Richard Emenecker has to say, and—

Michelle Madoff:

I second the motion. Would everybody like to hear Brother Richard speak and give him a courtesy of a response?

The Chair:

All in favor—

Mr. DePasquale:

Opposed.

Mr. Flaherty:

Roll call vote. Any member can ask for a roll call vote.

Mr. Robinson:

Point of order.

The Chair:

We have no subject on the table at this time.

Mr. Robinson:

Yes, we do. I believe the rules, and correct me if I'm wrong, the rules of Council indicate if anyone is at this table, they have to be here by unanimous consent. It was my understanding that both yourself and Councilman DePasquale objected to Brother Richard Proceeding. It would seem to me that he can't proceed.

The Chair:

Let the Chair give you a posture position. Brother Emenecker was called here on Bill 2239. He has questions about it. There are no more questions of Brother Emenecker. We then took the amendment and voted that down. We then went back to 2239 and voted on that subject. We then went to the matter of Mr. O'Malley asked, and that matter was disposed of. There is nothing further on the table at this point.

Mr. Flaherty:

Well, I have a question of Brother Emenecker.

The Chair:

On which Bill?

Mr. Flaherty:

I have a question of Brother Richard in regard to 2239.

The Chair:

We passed that subject.

Mr. Flaherty:

What do you mean we passed that subject.

Michelle Madoff:

If Mr. DePasquale wanted to ask a question, you wouldn't rule it out of order.

Mr. Flaherty:

Are you so afraid—

The Chair:

We'll hear from Brother Emenecker. Go ahead.

Brother Emenecker:

The question was asked when will the first meeting of Council be cable casted. Our response is the first meeting of Council, after the effective date of the resolution will be cable casted.

Michelle Madoff:

What does that mean, I'm sorry?

Brother Emenecker:

It's after—

Mr. Perry:

It's after it's passed by Council, sent over to the Mayor, returned to this office, given a number, advertised in the

paper. Maybe about 10 to 15 days.

Michelle Madoff:

The reason I'm asking is I was wondering if you were saying since, we lost the vote to go ahead without having procedural methods set up that you were going to wait until the procedure was set up before you started cabling. What do you mean about that? You're going to go without the procedural rules?

The Chair:

He's going on the Legislative and the regular Standing Committee meeting, starting—

Michelle Madoff:

I didn't know Brother Richard didn't know how to speak.

Brother Emenecker:

It will not include the Post Agenda.

Michelle Madoff:

I knew he took the vow of abstinence, but I didn't know he took the vow of silence.

(END - REMARKS ON BILL NO. 2239 - 1/5/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES 1

(MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2316

Report of the Committee on Planning, Housing and Development for January 5, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1864

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Divine Providence Hospital for permission to construct a 62-stall parking lot on certain property bounded by: Sherman Avenue; Eloise Street; Wolfrom Street and Greeves Way. The property is zoned "R4" Multiple-Family Residence District and identified as Block 23-K, Lot No. 174 in the Allegheny County Block and Lot System, 22nd Ward."

Which was read.

Mr. Robinson:

Mr. President, I'd like to offer an amendment to Bill 1864. Each member of Council received from me a draft of that amendment and it is directed specifically at making sure the intent of substitute Bill 1864 is carried out. If I might, I'd just like to read that. I'm requesting that we add a Section 7 to the bill that will read, "The Zoning Administrator of the City of Pittsburgh, and the Director of the Department of City Planning of the City of Pittsburgh, shall within 30 days maximum of this resolution prepare a report detailing the process to address and assure compliance with Section 5 and 6 of this resolution."

Mr. O'Malley seconded the motion.

Michelle Madoff:

Would you clarify it for me before I vote on it?

Mr. Robinson:

Section 5 reads that after the measures have been or will be taken to provide ingress and egress design so as to minimize traffic congestion in the public schools. Section 6 reads that the code used, in all other respects, will conform to the applicable regulations of the district in which it is located.

Michelle Madoff:

Having read 5 and 6 previously I didn't understand the need for 7. What you're saying is that you want a report that, indeed, these two things have been met. Is that correct?

Mr. Robinson:

Both in 5 and 6 the section suggests that there are some things that have not yet been done or will be. It is

simply saying that it is appropriate for our own credibility to make sure that we have some kind of documentation that some process has been initiated or will be initiated to accomplish the goals of 1864.

Michelle Madoff:

Thank you for clarifying it.

The Chair:

Roll call vote on the amendment.

The Chair:

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Discussion on the bill itself.

Michelle Madoff:

Mr. President, I want to tell you that I have had a lot of soul searching on this issue. There are people who have called my office and implied that I had

made up my mind before I heard the facts. That is not true. If anything, I had decided some time ago and had advised the Chairman of the hospital that I was going to vote against the issue originally because I was concerned about the people in the long run having the property come back to them so that they could develop housing at the appropriate time.

I had asked for certain things. One particularly was that the property, and I think Mr. Stone gave us the terminology was first right of refusal, that a letter be given to the community that they would have indeed the first right of refusal, and I had asked for ten years, figuring that in ten years that area would be developed and it would be time to turn that property back — I had asked for three years originally and was told it had to be ten because of a debt service that had to be paid or the development couldn't take place.

I must say that I was pleased and surprised when they came back and said that in five to eight years we anticipate we will be able to make that first right of refusal back to the community.

I'm sure if I lived next door to the lot I would have the same kind of feelings and I would have trepidations. Nobody wants anything in their backyard. Council is in a very awkward position. I speak for myself when I say I don't want anybody to believe that I had my mind made up in advance because I would like to remind the groups on the North Side, I don't know if they're present today, when the issue came before Council on the designation of the North Side as a Historic Landmark I was a minority vote and held firm on my ground to support them. When Allegheny General Hospital wanted to put in a banking facility because it was generating more traffic and the people

couldn't park their cars, I voted against Allegheny General Hospital doing that, and the issue was for them to get their cars off the street and into a parking lot. As a matter of fact, I even think this was one of the lots that was suggested that they put their cars in.

I think it would be inconsistent if, indeed, I were to vote to say Allegheny Hospital, get your cars off the street and then when Divine Providence is doing that saying I'm going to vote against them.

I think in the overall weighing vote, and it is a tough issue, calls have come in and I think if you weight them they're about a pound each on both sides, one has to vote their conscience. And I think any group made up of thinking citizens knows that they can't always get everything they want from this Council, and we have many, many times been with them, perhaps nine out of ten times and this is one time where I feel I must vote with the hospital because I think it's the moral thing to do.

Mr. Flaherty:

Mr. President, I, for certain reasons, am going to change my vote from how I had voted in the committee meeting. I do this with a sense of ambiguity to a certain degree and ambivalence. I think there are strong arguments to be had from each side.

The reason primarily why I am changing my vote is on Saturday I spent a few hours over touring the Mexican War Street area and also touring the grounds of Divine Providence Hospital and the entire Allegheny Center area. I found the experience enlightening and I suppose it was the final cap of some of the problems that I had as to how I will vote on this issue.

In speaking in broad, general terms, this issue, if it was concocted by a screen writer, could not be any more better than putting a head on a nail of a confrontation between a community and between a strong institution. I don't agree with Councilwoman Michelle Madoff that this Council sides nine out of ten times with the community.

Michelle Madoff:

I didn't say this Council. I spoke for myself.

Mr. Flaherty:

Okay, yourself. It seems to me that just the opposite occurs. Consistently, hospitals, universities, from my experience, from my three years on Council, have received, if not unanimous approval from this Council, often times near unanimous approval. In fact, I can't recall, perhaps one of my colleagues could correct me, but I can't recall within recent memory of Council denying a request for an institution.

Now, what we are doing here today, we are overriding a unanimous decision by the supposed experts in this City on City Planning. I don't think any of us would argue the fact that they probably have more combined expertise on urban planning than this Council has.

Some of the criticisms of the Planning Commission I saw on Saturday. As far as traffic congestion, I have a very conservative estimate here that you are going to impact a community that is sided on three sides by an eighteen foot alley, you are inviting, with a new parking lot there, a conservative estimate of 65,000 cars into that area annually to and throw. The Planning Commission had great concern with this with the size of the alleyways and also with safety for school children. But

more importantly, the Planning Commission came forth and said that this is a blatant institutional intrusion into a residential area. Homes, residences, are completely surrounding this parking lot. There is a concern that this parking lot, as far as the argument put forth by Divine Providence, that this is the lynch pin for Phase III or whatever you wish to call further hospital expansion in that area. I have problems with that argument. But I don't think that they can be concretely argued because they are speculative, as is the hospital's belief that in five to eight years they will no longer have to utilize that lot and will consider - they have committed to giving first priority to the Mexican War Street society, but only if they decide at the end of five to eight years that they aren't going to use the lot.

The bottom line is that I am extremely concerned about the fate and the experience of the community in this matter. The bottom line is that the Mexican War Streets pay more in taxes per square foot than any other neighborhood in this City. Improvement to that community, to that housing stock, has been more dramatic in that neighborhood than in any other neighborhood in the City. If we have a gem and if we consistently like to compare one of our neighborhoods to Georgetown, it is the Mexican War Streets.

What are we going to do? We are going to put a parking lot in the middle of our gem because we agree with speculative thought that this is important to Divine Providence Hospital.

I think this Council owes the residents of that community a vote in a small mod of appreciation for the sweat equity and the hard dollars that they have put into the very humble, small

properties over there, and we should owe them a vote of appreciation for building a tax base that is in crucial stages and if something isn't done soon on the expansion of institutional land is going to go down the shoot. We all talk about Oakland, how bad Oakland is. Seventy-five percent tax exempt. How did it ever happen? How was the residential character of Oakland destroyed? It was piecemeal. It was a parking lot here, an office building there, a wing expansion here, a library there. That's how Oakland came about and the same thing is happening in central and lower North Side. We discuss this every time a hospital wants to expand, especially in North Side, and every time Community College wants to expand, we talk about this, but we give them our approval.

This is a classic script as to where this Council, I think, has to lay its actions behind its vote. We have to make a strong commitment to the neighborhoods in this City and not talk about giving them stability, giving this City, as a whole, unison, a good solid tax base. I know that it was brought up, I'm speaking in regard to information that was relayed to me after Council's hearing, and it only could be relayed then because it was my understanding that when the hospital met on Tuesday, which was the same day Council had its hearing, when the hospital met with health system agencies, they said that if Council did not give their approval to the Kyle Street lot, then they could negotiate for the central parking at the Allegheny Center garage.

We're all aware the Allegheny Center garage is in very dire straits. We are all aware that we are financing that bond issue. We are all aware that the payments on that bond will grow more if that lot is not feasible. I think that we have a good alternative here. If this Council denies this property to Divine

Providence, Divine Providence, I predict, will sit down and negotiate an agreement with the Allegheny Center garage.

I just want to reiterate that I think the hospital also has strong votes and perhaps if this wasn't in another era when we only had twenty-five percent tax exempt land and not forty-seven percent as the latest study in the Pennsylvania Economy League says, then perhaps we could go along with the proposal. But having that overriding concern, having this overriding concern that alternative housing on that lot will accrue ten-fold the taxes to the City that a parking lot will, I urge my colleagues to support the immediate community that is impacted and that is our gem and let's keep it a gem.

The Chair:

Point of clarification, Mr. Flaherty. Are you aware that the Mexican War Streets are a member of the City Planning Commission?

Mr. Flaherty:

Yes, I am.

Mr. Robinson:

Mr. President, with your indulgence, I would like to respond to Mr. Flaherty's comments relative to Council's actions in reference to major institutions.

As Chairman of Planning, Housing and Development, I can think of two instances where Council went to great pains to make sure that there was some even balance between the concerns of the community and the institution. One was the recent discussion around a proposed addition for Community College of Allegheny County. I remember urging my colleagues not to

take any action on the bill at all until we had some assurances from Community College that they would agree to establish a more substantive procedure, that it would directly concern the people on the North Side particularly concerned about an expansion of the college. I believe, Mr. President, we forwarded a letter to the Chairman of the Board. A meeting was accomplished so certainly I think that is one instance in which we moved to try to create some balance.

The other is perhaps a more obvious example and that relates to the proposal on the part of the University Health Center to build what became now as a giant garage on Terrace Street in the 4th Ward.

As Council will remember, there was a great deal of controversy surrounding the building of that particular garage and, again, as Chairman of Planning, Housing and Development, I urged my colleagues to separate the issues out. We had a separate hearing on the giant garage and we had a separate hearing on the Oakland study in which I amended the bill on that to specify the site in question. Mr. Flaherty should be aware that because of Council's aggressiveness the site of the garage was changed. The garage which is presently under construction is not being built on the original site, it is not being built on the site relative to the University Health Center and the Oakland study.

Again, I just offered these as two examples of where, I think, Council has made some attempt to not only represent the interests of the major institutions but also to represent the interest of those people who live in the surrounding community. I am certainly not suggesting what you had said is invalid in reference to Divine Providence, but you did raise the concern that many members

of Council voted that way and I didn't appreciate it and I think it should be reflected in the record.

Mr. President, if I might, I'd like to make a couple quick comments on the bill. I indicated at the session last Wednesday on January 5th that I would abstain. One, so that I could take a closer look at all the facts but also because I am requesting from the Chairman of the Board of Directors of Divine Providence Hospital, Samuel Stroh, that I wanted a response to a letter that I gave to him on January 4th. That letter was specifically relative to the issue of the hospital paying to the City of Pittsburgh a user's fee or service charge in lieu of taxes, and I indicated at that time that my consideration of that letter would not be any final determiner in terms of whether I would be for or against the proposal, but I felt, in fairness to Mr. Stroh and his Board, he should have an opportunity to respond. I did get a response from Mr. Mulvihill who is the legal counsel for the hospital relative to this issue dated January 6th and I received another letter dated January 7th from Mr. Stroh and his Board. With Council's indulgence, I would like to indicate that Mr. Stroh and his Board felt that the property in question was one in which they were going to be paying taxes and therefore some sort of user fee and was in support of it and if I might, I would like to quickly read this letter which will be included in the public record.

(LETTER - DIVINE PROVIDENCE
HOSPITAL - 1/7/83)

January 7, 1983

Honorable William Russell Robinson
Chairman
Planning, Housing and Development
Council
City of Pittsburgh

510 City-County Building
Pittsburgh, PA 15219

Re: Divine Providence Hospital
Application for Conditional Use
Council Bill No. 1864

Dear Councilman Robinson:

I have, pursuant to your letter to me dated January 4, 1983, discussed with the Executive Committee of the Board of Divine Providence Hospital the question of paying the City a "user fee" for services rendered. I have defined for the Committee a "user fee" as a voluntary payment not required by law.

The Committee is of the opinion that the hospital's voluntary commitment to pay real estate taxes on the property involved in the conditional use, not only on its present value but on a value that could be at least tripled by the \$104,000.00 anticipated cost of the required improvements, constitutes a "user fee" in that the property involved in the conditional use would be legally exempt from real estate taxes.

We feel that the hospital cannot, and should not be asked to, make an additional payment beyond this substantial voluntary commitment.

Thank you for the courtesies extended during your Committee's and Council's review and determination of the matter referenced.

Yours very truly,

Samuel Y. Stroh
Chairman of the Board

SYS/je

cc: President and Members of City
Council
Mead J. Mulvihill, Jr. Esq.

Mr. Ronald H. Mangold,
Administrator

(w/enc. - copy of Mr. Robinson's 1/4/83 letter)

(END - LETTER - DIVINE PROVIDENCE HOSPITAL)

Mr. Robinson:

In closing, Mr. President, I'd just like to say that I'd like to have a copy of my letter of January 4 included in the record as well as Mr. Mulvihill's response to that letter, dated January 6. Thank you.

(LETTERS RE DIVINE PROVIDENCE HOSPITAL)

January 4, 1983

Samuel Y. Stroh, Esquire
Chairman, Board of Directors
Divine Providence Hospital
c/o Samuel Y. Stroh, P.C.
21st Floor - Law & Finance Building
Pittsburgh, PA 15219

Dear Mr. Stroh:

In view of Council's consideration of Council Bill 1864 of 1982, and in order to more fairly make a determination of the issue before Council, I would appreciate your board addressing the issue of paying the City of Pittsburgh a "user fee" for services rendered.

As you are aware, this issue was raised at the public hearing on Council Bill 1864.

I would appreciate your consideration of this matter prior to Council taking final action on the bill.

Your cooperation will be appreciated.

Yours truly,

William Russell Robinson
Chairman
Planning, Housing and Development

WRR:fc

(MR. MULVIHILL'S RESPONSE)

January 6, 1983

The Honorable William Russell Robinson
City Council
Fifth Floor, City-County Building
Pittsburgh, PA 15219

Dear Mr. Robinson:

On behalf of the Divine Providence Hospital Board of Directors, Medical Staff, Administrative Staff and employees, I want to thank you for giving of your time so generously at the public hearing on January 4th and for your serious consideration of our request for the conditional use which is so vital to the hospital's renovation project.

Mr. Stroh will be sending a reply to your letter of January 4, 1983 in the very near future.

Sincerely yours,

Mead J. Mulvihill, Jr.

MJM/avg

cc: Board of Directors
Divine Providence Hospital

LETTER FROM DIVINE PROVIDENCE
HOSPITAL

January 5, 1983

Honorable President and Members

City Council
City of Pittsburgh
5th Floor, City-County Building
Pittsburgh, PA 15219

Re: Divine Providence Hospital
Application for Conditional Use
Council Bill No. 1864

Dear Mr. President and Members:

In view of Council's concern expressed at the hearing of January 4, 1983, regarding the subsequent sale by the hospital of the property which is the subject matter of the above-referenced bill, I have polled the Executive Committee of the Board of Divine, and they have authorized me to commit on behalf of the hospital as follows:

If the conditional use is granted by City Council and Divine makes a subsequent disposition of the property, Divine does grant the right of first refusal to the Mexican War Streets Society, Inc. and/or any local governmental or quasi-governmental entity such as the Urban Redevelopment Authority or the Historical Society and will give the above a period of six (6) months to meet the final offer being considered by the hospital from any other potential purchaser.

We will inform the Mexican War Streets Society, Inc. and Council in writing of our intention to sell and the price and conditions of sale, if any, and the six (6) months shall run from the date of that writing.

I represent that the above is a binding commitment on the Board and that the Executive Committee is authorized to act in this manner and that their action and this letter will be automatically ratified by the full Board of Divine and made a part of the minutes of the meeting at which it is ratified.

Yours very truly,

Samuel Y. Stroh
Chairman of the Board

SYS/je

cc: All Members of City Council

(END - LETTERS RE DIVINE
PROVIDENCE HOSPITAL)

Mr. Givens:

Mr. President, it's very interesting, some of the remarks that Mr. Flaherty made. When you talk about the community versus the neighborhood and the rights of those people within that particular community, and I'm to think that the Divine Providence, I think, was there before the turn of the century and were they not part of the community from the very beginning. Do they now, in fact, have a say in what happens to their destiny over there?

Yes, I think all of us did walk the particular mall area, the particular Divine Providence and the property in question behind the Greek church. But one should go out and walk it at nighttime as I did with my wife. I would be afraid to some degree for people to have to park in the Allegheny Mall and have to walk from there almost some three and a half blocks to the front entrance of the hospital through a park area, wherein if you went from the Greek church from a residential community across Northern Avenue right to the front entrance to the church itself. And if they think of traffic flow, I think we try to indicate here that we will work continually with the community depending upon what happens in that particular lot, but all the traffic in that area, thinking of one way traffic, the Mexican War Street is not unique to their small streets, narrow streets,

narrow alleyways within the City of Pittsburgh. We just have to look to areas like Lawrenceville, Bloomfield, the South Side, the North Side, and throughout the whole City of Pittsburgh this is a common problem.

Divine Providence on the other hand indicated that within five to eight years that they will give the Mexican War Street group the first crack at development of this on the appraisal of that particular property at that time. The Historical Landmark Society has signed off on the directions and what the parking lot will look like and one only has to appreciate if it remains in its present status that would diminish the real estate value of that particular area.

It's very interesting to note, Mr. President, that almost some five years ago that same City Planning Department that did not approve of this particular site plan did so several years ago and one would have to say that yes, the Mexican War Street has increased in value, yes, the City of Pittsburgh, this Council in fact, has poured millions upon millions of dollars into that neighborhood so that could come about.

It's interesting to note that the Greek church back at that time disapproved of this and now, through letters that was submitted at our public hearing, now approve of that particular parking lot behind their property.

The people that are here today, I think, signify the human needs that we must have within the City of Pittsburgh, that we must have hospitals to take care of our people. Underlying all this, if the neighborhoods cannot wait five to eight years, we're talking about many, many construction jobs for this particular site, some \$11 million, we're talking about jobs that are going to be created in that hospital, some 37 some jobs, we're

looking at this unemployment rate as we have today and if I can get one job any place in the City of Pittsburgh, I'm going to be there. I can't see how any Councilperson can sit here and keep jobs creativity within the City of Pittsburgh when there's people out there sitting in the soup lines. And when there's people out there losing their homes and their mortgages, our hospitals are going to be inundated with people and are right now. If you go to St. Francis Hospital East Wing, you'll find out what is happening to our society because men and women cannot work and support their families.

I submit to anyone that votes against this particular expansion of this hospital is one that does not have concerns of those human needs. Thank you, Mr. President.

Mr. O'Malley:

I'd also like to respond to Councilman Flaherty. I also have toured that area and talked to a great number of people Thursday and Friday. The conclusion I came to is that the people that live in the immediate vicinity of that lot that have to look out their window and have to look out their door, who have to look at this lot constantly, were in favor of, and particularly when Mr. Coyne called me - Mr. Coyne lives at the end of that property - and he called me and stated that he was in favor of Divine Providence putting a parking lot in.

He also stated that he preferred to have housing but since there is no developer with adequate financing and place, that he felt that he and his neighbors shouldn't have to look at this lot for the next five to ten years, which is a reality, not something assumed.

He also let it be known to me that

a lot of the opposition to this lot were from people that live a block or two or three blocks away from the lot.

I talked to two other women Friday. One of them called my in opposition to the letter. I asked her her reasons and she said that she would prefer to have housing. I stated to her, as I stated to Representative Murphy when he told me that he had a developer in place that if he has a developer in place with financing, he'd have the developer contact me and I would change my vote. Well, as of this afternoon there's no developer in place and I haven't been contacted. When I explained to this woman that it might be an additional five or ten years before there is development on that lot, would she prefer to have the lot the way it is or have the lot changed into a parking lot under the guidelines of the Historic Review Commission. She really didn't know but she said if that was the only two alternatives that she had, then she would prefer Divine Providence to build a parking lot there.

One of the greatest concerns of the residents is that they felt that this parking lot would devalue property values. You have to look at that while I can't imagine anything that would devalue the property over there more than this present lot as it now appears. I think the improvements offered by Divine Providence in accordance with the specifications by the Historic Landmark Society would definitely be an improvement to the area. And as I stated, the majority of the residents that I talked to that lived adjacent to that lot are also in favor of the parking lot.

Also, Mr. Murphy contacted me and said that Divine Providence never contacted Allegheny Center parking mall. I talked with Mr. Stabile and Mr. Stabile informed me that indeed they did

contact him, that they quoted Divine Providence a price of \$65 per lot per month and they were really not interested in the long term contractual obligations ten or fifteen years for which Divine Providence was looking for. At \$65 per lot, the same number of stalls would cost maybe \$24,000 a year. This cost will just have to be passed onto the patients.

These are a number of reasons why I'm in favor of the lot.

Michelle Madoff:

I plan to be very brief. I think we owe a response to the people who came here and so valiently presented their case opposing the hospital. I have hundreds of telephone numbers but I don't have addresses. If people would contact either Mike Perry or myself by sending their address to 510 City-County Building, I would like to mail them a copy of the thing that I had the greatest concern with which is that the property would indeed revert back to the community for development at the time a developer was found, and obviously with taxes and interest rates it's not going to happen shortly, to send them a copy of the commitment of first right of refusal. I think that's important that they see that.

I had a call from a very dear friend, probably my closest friend, who lives in the Mexican War Street, owns three properties there, urging me not to vote for the hospital but when I explained the facts of life, he understood that I had to vote my conscience and was not very upset on the same reasons that Councilman O'Malley has just touched on.

Secondly, from a female point of view, I have four friends who have been raped in the last year. Some are close

friends, some are daughters of some very prominent citizens in this community and perhaps some of you know who they are. They were raped because the areas were dark. I keep my house lit up like the Fourth of July, no matter what the electric bill cost me because I feel it's safe. I think by turning that parking lot into a lit facility it will benefit the community to wit that property is going back to the people and I have confidence that the Bishop and people are not lying to us and that that indeed will happen.

In answer to my colleague, Councilman Flaherty, who I believe is voting his conscience, the only thing I resent, Councilman Flaherty, is that when I say something, I don't lie either. I said that I personally had supported the North Side community on the issue of historic designation. I think you supported me on that at the time, Council did not vote for it. But we voted against odds, put our necks out on the guillotine and in the hospital issue, I don't think you were here yet on the Allegheny General, not to have the cars parking in the street. They've had that problem with Allegheny General for years. I put my neck out. I agree with you. Council didn't vote unanimously, but I have tried to vote my conscience, and I speak only for myself. And as a female, I speak for myself and as a member of this Council, I think, for the best interest of the community and I think I've said enough.

Mr. Flaherty:

Mr. President, I have a few extremely brief remarks. Once again, we on Council are acting in a piecemeal fashion. I know that some of my colleagues have addressed the fact that there is no alternative housing proposal for the lot. If we on City Council, the state government, the federal government, all forms and units of the

government, if we are criticized for one thing it is for being short sighted in reacting to crises and situations as they come up every day instead of planning. The Planning Commission can afford to be a little bit, just a little bit, more academic that we are in these matters because they are appointed, they are not elected officials, they are not under the numerous political pressures that Councilmembers are under. And if we look for vision, then hopefully that vision will come from the Planning Commission.

This Council acted very short sighted in regard to the Bianca Funeral Home. When Community College wanted to take over the Bianca Funeral Home which, I believe, was a near unanimous vote. Well, it has ended up that the community went to court, they won in court, and now there is a developer that is talking about investing \$12 million worth of housing, it's my understanding, on that site. I think we have to give some room to breathe to the Mexican War Streets. They have come a long way in a few short years. And as Councilman Givens has said, we have put probably millions of dollars into that area, and that's all the more reason why it's asinine to put a parking lot in the middle of an area where we have already sunk millions of dollars. There is no rationale in doing that. I say, let's give the War Streets room to breathe, the community groups or the society. Let's give them room to breathe. Let's give them time to have a planner in there and not have the attitude we wanted a planner yesterday or we wanted a planner before the vote on Monday. They have dramatically changed this neighborhood around in a decade and we owe it to them to give them a reasonable amount of time.

In closing on one other thing, we have heard about safety. Well, if there's a safety factor, it's a safety factor to

children. If there's rapes over in that area, it's not rapes because of the Allegheny Center parking garage, and if you have to walk through the park to get to that hospital, you have to walk through the park coming from the Kyle Street lot. It's the exact opposite. You come out of the Allegheny Center garage, you walk on the street, the nice lighted street that encompasses that lot, you walk on it and you walk right into the entrance and you never put one inch of footing into the lot. Amen.

Michelle Madoff:

Mr. President, could you define the vote aye and no? Which means what?

The Chair:

If you're voting for the parking lot, you vote aye. If you're voting against it, you vote no.

Mr. Givens:

I vote aye and with that I submit to Mr. Flaherty that if he goes into any neighborhood in the City of Pittsburgh that he'll find parking lots in the residential communities and vice versa.

Michelle Madoff:

Before I vote, the people that applauded Mr. Flaherty, I want you to know that I supported him and we've been minorities on this Council on many issues relating to the North Side but you can't get everything from me. I'm human.

(BEGINNING - MR. ROBINSON, MR. STONE AND MR. WOODS' REMARKS ON BILL NO. 1864 - 1/5/83)

Mr. Robinson:

If I might, Mr. Chairman. Members of Council have received, and hopefully had time to review a substitute bill that had been prepared by our Solicitor, and I would like to, if I might, I would like to make a motion to accept the substitute bill and then give an explanation.

If I might, this particular bill addresses the issue that was before the Planning Commission, and that was whether or not to grant the Conditional Use to Divine Providence Hospital. If Council members remember from presentation that Mr. Lurcott made yesterday, he gave us the rationalization as to why the Planning Commission felt this project should not go forward, all right. And we had testimony pro and con. The substitute bill in an affirmative way indicates that every issue that was before the Planning Commission relative to conditional use is being addressed, has been addressed, or will be addressed, and this Council in this bill is saying that we will give our approval for Divine Providence Hospital to move forward now.

While Council absorbs that, let me just say a couple of other things. Mr. Givens did raise a concern with the Chairman of the Board of Divine Providence, and Council has before them a letter that addresses that concern. I'll let Mr. Givens speak to that as to whether or not that is adequate.

One other thing. I gave to Mr. Stroh a letter yesterday relative to the issue that I raised around the service fee, the potential for us getting a service fee from Divine Providence Hospital, the same kind of fee that we are getting from some of the other institutions, and Mr. Stone made a specific reference to Montefiore Hospital.

I, myself, am not ready on this bill to take any final action on Monday at least until I get some response, some final response from Mr. Stroh and his Board as to whether or not that service fee issue has been addressed. He indicated, as I understand it, yesterday that he was not aware of any service fee that had been tendered or would be tendered, but I sent him a letter asking him and his Board to please reconsider that, and I myself would just like to wait until Monday before I give a final vote on it, approval or disapproval until I can at least get that letter.

MR. GIVENS COMMENTS

Mr. Robinson:

No. This fee is a fee that the City attempts to get from all the major institutions in the City that do not pay taxes to us. Usually, this issue comes up when they want something from us being very honest and fair about it. We usually ask them if they would be willing to give us a service fee. And that's what I have asked of them.

Mr. Woods:

In other words, what you're saying, you're not asking them to — you're just going to abstain when your vote comes, is that what you're saying, until Monday?

Mr. Robinson:

Yes. Until I get something in writing.

MICHELLE MADOFF COMMENTS

Mr. Robinson:

No, I didn't say that. I'm going to move on it but I'll abstain until I get that on Monday.

MR. O'MALLEY COMMENTS**Mr. Woods**

Bill Robinson is not referring to this particular piece of property. He is saying, like Montefiore Hospital voluntarily gives us an additional, like \$40,000 —

Mr. Robinson:

If I might, just by way of trying to clarify for Councilman O'Malley, I think Councilman Woods is exactly correct. I don't think it's exactly the same as Mrs. Madoff's situation because in this case being fair to all people, Divine Providence Hospital is asking us for something as others have. It is fair, and it is the practice in the City of Pittsburgh to request from those institutions a service fee to raise the question with them. I first raised the question with their legal Council, and he sent me a letter saying that they haven't given anything, and they have no intention of it. I raised it again with the Chairman of the Board. He said that that was his understanding. I said to myself I will give them a letter, and they can respond to that any way they choose. They may choose to say they feel they're doing enough and — Mr. Stone even suggested that based on some of the other tax contributions they make to the City, perhaps they would say that they don't think they ought to make it. All I'm saying is that Mr. Stroh deserves an opportunity to explore that in response to us because we ask it of all institutions.

MR. GIVENS COMMENTS**MR. FLAHERTY COMMENTS****MR. GIVENS COMMENTS****MR. O'MALLEY COMMENTS****Mr. Robinson:**

I'm going to abstain, and let me give my reasons. First of all, I had some concerns about the original bill which I think were addressed in the substitute. It seems to me that we want to make sure that there is some sort of monitoring, particularly those things in the bill that suggest that the traffic congestion and other things will be taken care of. The monitoring is going to have to be done by Planning. It's going to have to be some cooperation between the Hospital, the City, and the Community to make sure this thing works, and also, I think that it would be appropriate to request from Planning some timely reports as to the progress so that everybody's capability is kept, and I certainly will contact Director Lurcott in that regard.

Specifically about the extension, I'm abstaining in difference to Divine Providence which did have an opportunity to respond in writing to Mr. Givens, and I would assume that they will respond in writing to my communication around the service fee.

Since I did raise it at the hearing and I thought it was relevant then, I think they deserve an opportunity to respond to that in whatever fashion they think is appropriate.

Also, so that no one is confused what my final vote will be, the issue of the service fee is not the issue upon which I'm going to make a determination on whether I'm for or against. The service fee issue is not an issue of taxing as Mr. Givens has suggested. The service fee issue was an appropriate issue to raise. It has been raised before. I raised it in writing. I raised it in public, and I think while it does not specifically relate to the property and total conversation yesterday about what Divine Providence

is, was, and would like to be, and I think it is an appropriate question to ask of them. Would you consider a service fee, and if they can't or won't, simply respond to us in writing so that also it can be a part of the record. That's all.

Mr. Woods:

I vote aye for mainly the same reasons that Tom Flaherty voted aye, and also I would like to add that they voluntarily pay the taxes which will go up substantially once developed, and they also promised that in five to eight years they will turn it over to the community or another developer for homes, and I think in that time period it will be ready to develop for that reason.

MR. DEPASQUALE COMMENTS

The Chair:

If I may, I'm voting yes, and the reason is the same. Yesterday I expressed myself at the meeting relative to the deep concern I had. When someone comes in as early as the Divine Providence Hospital did here and make your request for a conditional use, they were granted the same, and through no act of their own, they're delayed in attempting to carry out that permission. It would be grossly unfair, and I think legally wrong to then change it when they didn't create the problem. I have, and I expressed yesterday my concerns, and I hope in the future, our Planning Department, as well as our Zoning Commission, Board of Adjustment, whenever they have a situation of this type that they set deadlines and constantly meet those deadlines, and when you release that deadline to another deadline forcing everyone to make some sort of compromises it becomes totally impossible for some decision to be made one way or the other. Regretfully, I

think that neither group here, while both sincere, ever were going to meet a total compromise, but I think with a deadline it gets closer to that.

We have probably from my observation of this and having been over there in '75 and '76 as Councilman DePasquale mentioned, we went over there for a tour then. I think the lines are kind of drawn, but I think we are as close as there ever will be a compromise. And again, I don't think we should let pass the fact that some of the delays here were of our making and should have been a little bit stronger in enforcing it, but I am impressed with the fact that at least the Hospital is somewhat determined to have this in their overall needs, and they have done everything that they should do to comply. So, in that light, my vote is yes.

(END - REMARKS ON BILL NO. 1864 - 1/5/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelel Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES 1

(MR. FLAHERTY VOTING NO)

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2317

Report of the Committee on Public Safety for January 5, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2250

A Resolution entitled, "Resolution authorizing a professional study of the Pittsburgh Department of Police." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Robinson moved to recommit Bill No. 2250.

Mr. O'Malley seconded the motion.

Which motion prevailed.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

No. 2318 Resolution approving the re-appointment of Hedda Sharapan, 4478 Parade Street, Pittsburgh, PA 15207, for a term to expire December 31, 1984, as a district member of the Pittsburgh Cable Communication Advisory Committee.

Which was read.

Also,

No. 2319 Resolution approving the re-appointment of Joseph P. Davis, 226 South Evaline Street, Pittsburgh, PA 15224, for a term to expire December 31, 1984, as a district member of the Pittsburgh Cable Communication Advisory Committee.

Which was read.

Also,

No. 2320 Approving the re-appointment of Helena G. Hughes, 4433 Schenley Farms Terrace, Pittsburgh, PA 15213, for a term to expire December 31, 1984, as a district member of the Pittsburgh Cable Communication Advisory Committee.

Which was read.

Also,

No. 2321 Resolution approving the re-appointemnt of William Friedman, 2396 Valera Avenue, Pittsburgh, PA 15210, for a term to expire December 31, 1984, as a district member of the Pittsburgh Cable Communication Advisory Committee.

Which was read.

Also,

No. 2322 Resolution approving the appointment of Martin Tyler, 3544 Massachusetts Avenue, Pittsburgh, PA 15212, for a term to expire December 31, 1984, as a district member of the Pittsburgh Cable Communication Advisory Committee.

Which was read.

Mrs. Masloff moved for approval.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Robinson presents

Bill No. 2324 WHEREAS, John P. (Jack) Robin has given many years of devoted service to the City of Pittsburgh, Pennsylvania; and

WHEREAS, his dedicated and hard work in cooperation with the Allegheny Conference on Community Development and the Administration of the Honorable Joseph M. Barr, Mayor of the City of Pittsburgh earned him the designation of "Architect of Renaissance I"; and

WHEREAS, his expertise in Urban Development is known and appreciated world wide, and whereas, he now serves on the faculty of the University of Pittsburgh, Graduate School of Public and International Affairs and as Chairman of the Urban Redevelopment Authority of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens do honor and recognize the accomplishments of John P. (Jack) Robin and claim him as a "Natural and Valuable Resource" of this City.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

Bill No. 2325 WHEREAS, the Reverend Martin Luther King, Jr. dedicated his life and endeavors to the achievement of a just and healthy society and the enhancement of respect

and trust in our institutions and the insurance that all citizens are treated equally before the law; and

WHEREAS, his outstanding contributions included the Nobel Peace Prize and other forms of international recognition; and

WHEREAS, January 15 is the birthdate of this great American and is celebrated throughout the United States of America; and

WHEREAS, celebrations are held in schools, churches, and community centers; and

WHEREAS, the Commonwealth of Pennsylvania has designated January 15 as a State holiday; and

WHEREAS, the United States Congress has been petitioned to designate January 15 as a National legal holiday.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Council of the City of Pittsburgh on behalf of the residents of the City of Pittsburgh do honor and recognize the birthdate of the Reverend Martin Luther King, Jr. and encourage the Congress of the United States to designate January 15 as a National legal holiday.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair presents

Bill No. 2326 WHEREAS, on Saturday, January 15, 1983, the Greater

Pittsburgh pro-life community will begin its annual observance of the "Respect Life" program; and

WHEREAS, this occasion marks the beginning of a week when many citizens of Pittsburgh will join with tens of thousands of other Americans in Washington, D.C. to publicly protest the 1973 Supreme Court decision which authorized abortion on demand; and

WHEREAS, the central message of this observance is that every person, including the unborn child, is entitled to basic fundamental rights, and should be treated with dignity and respect.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of the Council of the City of Pittsburgh, hereby recognize January 16 to January 22, 1983 as "Respect Life Week", and encourage the citizens of Pittsburgh to reflect upon the dignity and preciousness of life.

Mr. Stone moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Robinson:

I just have couple quick issues, if I might. On several occasions, Council has been requested to address the issue of unpaid property taxes on property that is being sold by the Urban Redevelopment Authority to individuals.

This issue has been raised again. The problem seems to be that once the URA sells this property to a buyer, that buyer is then confronted with a tax bill which they were under the impression that it had been paid. Once URA took the property over and created a great

deal of frustration. It might be appropriate for the City Clerk to send a letter to the Executive Director of URA asking him to forward all bills that relate to the sale of URA property and a tax status report letting us know whether there are current taxes and whether they are going to be paid and whether or not the potential buyer of the property is aware of any outstanding tax obligation. Hopefully this kind of procedure will give us a better handle of informing people as to what the tax issue relates to.

On January 5, 1983, we did have a post agenda and the Executive Director of the URA, Mr. Brophy, assured Council that by March 31, 1983, that we would have a signed agreement with the present developers who, I believe, are still Grant-Liberty Associates, and by April 10, 1983, a financial package would be in place and the developers would be able to move. For the record, this ought to reflect the dates that become due and Council ought to make sure that Mr. Brophy does forward this information to us in writing.

The last item relative to Community Action Pittsburgh. Without going back through the whole history of that situation, Council should be aware of the recent Community Action Pittsburgh loss. It is the weatherization contract. There was a public hearing held last Friday at which time the Department of Community Affairs took testimony on the issue. As of January 1 of this year CAP is no longer operating the Weatherization Operation Program and URA is in line to receive those funds. I would like to have entered into the record a copy of the memo I forwarded to the President and all members of Council dated December 9, 1982, relative to the CAP's relationship to the City of Pittsburgh and I would encourage the President, the Mayor and

members of Council to take some sort of action on these recommendations. Thank you.

(MEMO FROM COUNCILMAN ROBINSON)

TO: President & Members of Council
City Council

FROM: Wm. Russell Robinson,
Councilman
Secy. - Community Action
Pittsburgh

DATE: December 9, 1982

SUBJECT: Community Action
Pittsburgh, Inc.

In preparation for the public hearing on the designation of Community Action Pittsburgh, Inc. as the City of Pittsburgh's selectee to receive funding for "anti-poverty" and community services from our governmental units, I request the following:

1. The President of Council convene a meeting with all members of Council and the Mayor to discuss the designation issue and managerial and technical assistance for Community Action Pittsburgh, Inc.
2. Pursuant to our fiduciary responsibilities for public monies provided Community Action Pittsburgh, Inc., we put in place an accounting mechanism, in conjunction with the City Controller, to accurately report and evaluate the fiscal operations relative to public monies.
3. Community Action Pittsburgh, Inc. contracts, proposals and projects presented to the City of Pittsburgh

be assigned to a specific committee of Council.

4. The Mayor and City Council request of the Department of Community Affairs any and all documentation relative to audits and/or evaluations conducted during the calendar year 1982.
5. Community Action Pittsburgh, Inc. forward to the Mayor and Council a status report on its fiscal condition and operational capabilities. Also, a statement relative to specific assistance that can be provided by the City of Pittsburgh.

WRR:fc

cc: Mayor Caliguiri
Mike Perry, City Clerk

(END - MEMO FROM COUNCILMAN ROBINSON)

Mr. Woods moved to approve the minutes of Monday, January 3, 1983.

Mr. Stone seconded the motion.

Which motion prevailed.

And on the motion of Mr. Woods

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, January 17, 1983

No. 3

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 17, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Michelle Madoff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Our first order of business is a

presentation by Mr. Flaherty.

Mr. Flaherty:

I am extremely honored to appear here today and I can honestly say that if it was not for such a special occasion, I doubt if I would appear here today. I am suffering a real bad case of the flu so if everybody will just please stay with me as I read this proclamation in regard to a young man who, I think, has captured the consciousness of the trauma of unemployment throughout this country, and is certainly becoming quite an enflamed artist and I suppose a sign of a real artist is an individual who can accommodate and who is in step with what is happening in our environment and in our times. I'm sure that you are probably aware of the gentleman, Mike Pickering, who is a college student from Ohio that has captured the frustrations of unemployment in a dirge called Steel Mill Blues which has received popular acclaim throughout the country.

Mr. Flaherty presents

Bill No. 2380 WHEREAS, Pittsburgh has always been universally recognized as the steel capital of the nation; and

WHEREAS, the bulwark of Pittsburgh's economy, the steelworker, has been ravaged by unemployment and economic depression because of the Reagan Administration's callousness; and

WHEREAS, this domestic and community wreckage is emotionally

portrayed in the lyrics of the popularly acclaimed "Steel Mill Blues"; and

WHEREAS, "Steel Mill Blues" grew out of Mike Pickering's keen perception of his uncle's unemployment and its devastating impact on those around him; and

WHEREAS, the United Steelworkers of America has joined with two local Pittsburgh companies, Air Craft Communications and KDKA-TV to provide voluntary support for the promotion and distribution of "Steel Mill Blues" as a benefit for unemployed steelworkers and their local foodbanks across the country.

NOW, THEREFORE,

BE IT RESOLVED, that "Steel Mill Blues" is becoming the national anthem for the unemployed as evidenced by national media coverage and the public's overwhelming response.

BE IT FURTHER RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh give heartfelt thanks to Mike Pickering and join the nation in proclaiming "Steel Mill Blues" as the rallying point to create economic justice and jobs for all.

Mr. Flaherty moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Flaherty:

I am going to ask Mike to say a few words and then if he would give us a real treat with a rendition of Steel Mill Blues, but before asking Mike to come up here, I would just want to acknowledge Gary Hubbard who is an editor of the

National Steelworker Newspaper. Please stand, Gary, and if you would care to come up and say a few words in regard to how the steelworkers are helping out.

Gary Hubbard:

I don't want to take too much time of the proceedings here. I just want to say on behalf of the Steelworkers' Union, which is now involved with the national promotion of Steel Mill Blues, and we're just delighted that the song that Mike Pickering wrote couldn't have been done better by anybody in our organization and that it says something from the heart that is happening to literally thousands of steelworkers around the country as well as here in Pittsburgh. And it is our hope that what takes here today will take place in City Councils across the country to get recognition for the lyrics of the song that says something about the trauma that's going on and what's wrong and how we can make it right. More importantly, the proceeds from the record, as many of you probably know, are all going to support food banks operated by our union and by our locals around the country as well as here.

Thank you very much for your time.

Mr. Flaherty:

Thank you, Gary. I would also want to acknowledge Toby Gaines and Justin Smith who are the directors of aircraft who have voluntarily utilized their company to press and promote the record.

Finally, before we have the real star of the hour, I would like to acknowledge Mike's parents, Fran and John.

It's all your's, Mike. You're in the

spotlight here.

Mike Pickering:

I'd just like to thank everybody. I got recognized here but there were so many more people who helped on Steel Mill Blues. All I did was write it. If it wasn't for KDKA and Justin and the Steelworkers, it wouldn't have gotten anywhere. Thanks again.

MIKE PICKERING SINGS "STEEL MILL BLUES"

The Chair:

Thank you very much, Mike.

Mr. O'Malley:

Mr. President, I'd also just like to acknowledge that Sam Shapiro and the owners of National Record Mart, their seventy stores, also distribute this song throughout their chain and all the proceeds go to the steelworkers' relief fund.

Mr. Flaherty presented

No. 2327 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting interim approval to make payment to Air & Power Service for the installation of a compressor in the No. 2 EdPac unit located in the computer room at the Public Safety Building. Cost of the installation shall not exceed \$2,800.00 and is chargeable to and payable from Code Account 1364, Repairs.

Also,

No. 2328 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting interim approval to make payment to Niko Contracting Company in the amount of

\$12,876.00 for emergency repairs to the roof at the City Vehicle Maintenance Facility. Funds available in Capital Project LB 83-14 (4-25-15-0001-83), Renovation of Various Public Buildings.

Also,

No. 2329 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting interim approval to make payment to Fred Denig, Jr., Architect and Voegelé Co., Inc. for architectural/engineering fees and construction costs in connection with emergency roof repairs at the Sixth Division, Public Works Maintenance Building, at a cost not to exceed \$19,000.00, chargeable and payable from CBLB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings.

Also,

No. 2330 Resolution providing for a license to Duquesne Light Company for the installation of three (3) anchors together with other necessary appurtenances on City property fronting on Chicago Avenue, 26th Ward, designated as Block and Lot 77-G-717.

Which were severally read and referred to the Committee on Lands and Buildings.

Also,

No. 2331 Petition from the residents of the 31st Ward, Lincoln Place, requesting a public hearing before City Council for more adequate police protection on Interboro Avenue, located in Lincoln Place. Due to lack of police enforcement, this street is continually used as a dragstrip.

Which was read and referred to the Committee on Public Safety.

Mr. Givens presented

No. 2332 Resolution amending Resolution No. 1135, approved 11/3/80, entitled, "Resolution vacating portions of Tunnel Street, Center Avenue, Court Place, Sixth Avenue, Bigelow Boulevard and Grant Street in the First Ward of the City of Pittsburgh, and providing for the conveyance of reserving all utility easements in Tunnel Street, and providing for the payment of the cost thereof; and creating a special trust fund in connection therewith," by providing for the execution of an Agreement with 500 Grant Street Associates, or other entities, necessary for the transfer of the building located at the corner of Grant Street and Fifth Avenue in the First Ward of the City of Pittsburgh.

Also,

No. 2333 Resolution amending Resolution No. 1122, approved 10/25/82, effective 11/5/82, entitled, "Providing for a Contract or Contracts for the Construction of a Salt Dome on Bausman Street, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof," by increasing the total allocation by \$16,000.00 and by amending the funding source. Funds are available in Code Account PW 83-19, 4-01-30-0001-83, Misc. Repairs to Streets and Structures - \$52,000.00.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2334 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Domenic Parente Contractors, Inc. for "Extra Work" in connection with the Rehabilitation of the Meadow Street Bridge, at a cost not to exceed \$13,714.25, payable from Code Account No. PW-80-32, Misc. Repairs.

Also,

No. 2335 Petition from William J. Walters, requesting that Ordinance No. 462 of 1968 be repealed and release for sale Lot No. 88-F-116, known as 3362 Hazelwood, 15th Ward, to permit Mr. Walters to purchase said property and building a home for himself and family; also, requesting a public hearing on the subject.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2336 Resolution providing for the issuance of a warrant in favor of Jack W. Shearer Equipment, 1962 Ohio Street, Johnstown, PA 15904, in the amount of \$1,983.41, repair to Back-Hoe Loader, chargeable to and payable from Code Account No. 1705, Repairs, Department of Water. Prior approval was granted by Council Bill No. 2052 (1982).

Which was read and referred to the Committee on Finance.

Also,

No. 2337 Resolution amending Resolution No. 637, approved 6/18/82,

Providing for a contract or contracts for Relay of Water Line in S. Pacific Avenue, at a cost not to exceed \$367,312.86, chargeable to and payable from CBA WD-82-04 (4-05-15-0001-82), Department of Water. Appropriation was decreased from \$500,000.00 to \$367,312.86.

Also,

No. 2338 Resolution providing for a contract or contracts for the Relay of Water Line and Appurtenances in Various Locations; at a cost not to exceed \$300,000.00, chargeable to and payable from CDGBF 1976, 1978, 1979, WD-78-02 (4-05-15-0002-78-28-78-05) WD-79-05 (4-05-15-0002-79-28-79-05) WD-82-04 (4-05-15-0001-82), Department of Water.

Also,

No. 2339 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to purchase various plumbing material required to provide for the removal of residue from the Clarifier, at a cost not to exceed \$2,000.00, payable from Code Account 1714, Materials.

Also,

No. 2340 Communication from Richard M. Cosentino, Director, Department of Water, requesting permission for Dr. Stanley States and Dr. John Kuchta to attend the American Society for Microbiology, 83rd Annual Meeting in New Orleans, LA, on March 6-11, 1983, at a cost not to exceed \$2,000.00, payable from Code Account 1701, Misc. Services.

Which were severally read and referred to the Committee on Water.

Also,

No. 2341 An Ordinance amending and supplementing the Pittsburgh Code, Title Eight, Fire Prevention, Chapter 803, Amendments, by prohibiting the use of kerosene heaters in any building except one and two family dwellings, and by limiting the storage of kerosene without a permit to 5 gallons inside a building and 10 gallons outside a building.

Which was read and referred to the Committee on Public Safety.

Mrs. Masloff presented

No. 2342 Resolution transferring \$218,000.00 from the Department of Parks and Recreation's Code Account 1843, Senior Citizens Program to the Department of Parks and Recreation's Senior Citizens Program Trust Fund.

Which was read and referred to the Committee on Finance.

Also,

No. 2343 Resolution providing for an Agreement or Agreements with the Pittsburgh Opera, Inc. for the furnishing of performances to the residents of the City of Pittsburgh during 1983 and providing for the payment of the cost which is not to exceed \$11,000.00 chargeable to 1838, Recreational Activities.

Also,

No. 2344 Resolution providing for an Agreement or Agreements with the Ozanam Cultural Center for professional services during 1983 and providing for the payment of the cost which is not to exceed \$35,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2345 Resolution authorizing

the City of Pittsburgh to enter into an agreement or agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer. The total cost shall not exceed \$123,750; \$100,000 from 1833 and \$23,750 from 1837.

Also,

No. 2346 Resolution providing for an Agreement or Agreements with Robert Morris College for the services of the group named Pittsburgh Folk Festival during 1983 and providing for the payment of the cost which is not to exceed \$6,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2347 Resolution providing for an Agreement or Agreements with the Three Rivers Arts Festival of Carnegie Institute for cultural entertainment during 1983 and providing for the payment of the cost which is not to exceed \$12,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2348 Resolution providing for an Agreement or Agreements with the Duquesne University for the furnishing of dance performances during 1983 and providing for the payment of the cost which is not to exceed \$12,500.00, chargeable to 1838, Recreational Activities.

Also,

No. 2349 Resolution providing for an Agreement or Agreements with the Champions Assoc. for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2350 Resolution providing for an Agreement or Agreements with the Uptown Little League for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2351 Resolution providing for an Agreement or Agreements with the Uptown Athletic Assoc. for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2352 Resolution providing for an Agreement or Agreements with the Pittsburgh Wind Symphony for the furnishing of professional services to the residents of the City of Pittsburgh during 1983 and providing for the payment of the cost which is not to exceed \$25,000.00, chargeable to 1833, Recreational Activities, Concerts.

Also,

No. 2353 Resolution providing for an Agreement or Agreements with the Pittsburgh-Allegheny County Cultural Alliance for professional services in conjunction with the coordination of cultural activities during 1983, not to exceed \$20,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2354 Resolution providing for an Agreement or Agreements with the Civic Light Opera for professional services during 1983 and providing for the payment of the cost which is not to

exceed \$9,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2355 Resolution providing for an Agreement or Agreements with the Pittsburgh Ballet Theatre for the furnishing of performances to the residents of the City of Pittsburgh during 1983 and providing for the payment of the cost which is not to exceed \$20,000.00, chargeable to 1838, Recreational Activities.

Also,

No. 2356 Resolution amending Resolution No. 1229, effective January 1, 1980, as amended, entitled, "A Resolution adopting the 1980 Capital Budget and approving the 1980 through 1985 Capital Improvement Program" by transferring monies from the Southside Riverfront Park to a Project Specific Trust Fund.

Also,

No. 2357 Resolution providing for a contract or contracts or the use of existing contracts for bituminous and concrete paving and fence installation at various Park locations at a cost not to exceed \$120,000.00, chargeable to and payable from 4-10-10-0001-83 (PR 83-12) Rehabilitate Existing Playgrounds, in the Department of Parks and Recreation.

Also,

No. 2358 Communication from Louise R. Brown, Director of the Department of Parks and Recreation, requesting permission for Susan E. Davis to attend a meeting of the Governor's Council on Sports and Physical Fitness in Harrisburg, PA on January 13, 1983, at no cost (Governor's Council will reimburse Susan E. Davis). (Interim

approval granted).

Also,

No. 2359 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Lindsay Clack to attend the Symposium on Breeding Birds in Captivity in Los Angeles, California on February 24, 25, 26 and 27, 1983, at a cost not to exceed \$525.00, payable from the Aviary Trust Fund (ATF).

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2360 An Ordinance amending the Pittsburgh Code, Title Eight, Article 6 Airports, Heliports and Helistops by amending F-600.1, F-600.5, F-600.6, F-600-7 and F-600.8 and amending and supplementing the Pittsburgh Code, Title Ten, Building, Chapter 1003, Section 1003.2; Chapter 1009, Section 1009.15, Chapter 1013, Section 1013.101, Chapter 1031, Section 1031.02, Article 9, by adding Section 911.3.2, Chapter 1031, 1031.02, Article 21, by amending to include elevators, dumbwaiter and conveyor installation equipment, Article 5, Article G, and Article 14, by changing reference cites, Chapter 1043, Section 1043.28.

Also,

No. 2361 An Ordinance amending and supplementing the Pittsburgh Code, Title Seven - Business Licensing, Article V - Trade Occupations, Chapter 741, Chapter 743, Chapter 745, Chapter 747, Chapter 749, Chapter 701, Chapter 713, Chapter 715, Chapter 717, Chapter 719, Chapter 721, Chapter 723, Chapter 763, Chapter 765, Chapter 771, Chapter 773, Chapter 777 and Chapter 779.

Which were read and referred to the Committee on Public Safety.

Also,

No. 2362 Resolution providing for the letting of a contract or contracts and or the use of existing contracts for the furnishing and delivery of office equipment and furniture for the Department of Fire, Bureau of Building Inspection, the cost of which is not to exceed \$18,800.00, chargeable to and payable from Code Account No. 1478, Department of Fire, Bureau of Building Inspection.

Which was read and referred to the Department of Supplies.

Also,

No. 2363 Communication from Charles Lewis, Chief of the Department of Fire, requesting permission for Dominick Cimino and Henry Hegerle to attend a workshop of "Coal and Wood Burning Stoves" in McKeesport, PA on January 27, 1983, at a cost not to exceed \$116.00, payable from Code Account 1476, Misc. Services.

Which was read and referred to the Committee on Public Works.

Mr. Robinson presented

No. 2364 An Ordinance amending the Pittsburgh Code, Title Nine "Zoning" by increasing the Fee from \$4 to \$6 when filing an application for certain types of Occupancy Permits and Title Ten "Building" by establishing a Fee of \$25 for Annual Recertification of Group Care and Group Residence Facilities.

Also,

No. 2365 Resolution providing for the execution of a cooperation

agreement or agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the Manchester Conservation Area Project Number PA-R-366, at a cost not to exceed \$2,482,129.00, payable from Code Account No. CP 82-08, Manchester.

Also,

No. 2366 Resolution amending Resolution No. 1445, approved December 29, 1981, entitled, "Resolution - adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program", by adjusting a project line item authorization. To be funded with Community Development Block Grant funds.

Also,

No. 2367 Resolution providing for Issuance of Certificate of Appropriateness for work on the exterior of the residential properties at 1131 Sheffield (22R214), 1133 Sheffield (22R215), 1419 Page (007B171), 1440 W. North (007B323), 1225 W. North (007C015), 1118 Liverpoos (22L224), 1607-13 Sedgwich (22L092-22L090), 1406 Columbus (22F255), 1104 Bidwell (22R184) and 1240 Liverpool (22L260) in the Manchester Historic District in the 21st Ward.

Also,

No. 2368 Resolution providing for Issuance of Certificate of Appropriateness for work on the exterior of the commercial structure at 23 Market Square (Block and Lot 1-D-127) in the Market Square Historic District in the 1st Ward.

Which were severally read and referred

to the Committee on Planning, Housing and Development.

Also,

No. 2369 Resolution directing the Director of Parks and Recreation to develop and implement the necessary and legal procedures to assure local, Pittsburgh-based vendor participation in the City of Pittsburgh, sponsored or sanctioned sports, cultural, recreational and festival events.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Stone presented

No. 2370 Communication from Ronald C. Schmeiser, Director of Finance, requesting permission to attend the Municipal Finance Officers Association's Committee meeting on Accounting, Auditing and Financial Reporting in Washington, D.C. on January 31-February 2, 1983, at a cost not to exceed \$650.00, payable from Code Account 1063, Misc. Services.

Also,

No. 2371 Communication from Daniel Pietragallo, Executive Director, Housing Authority, submitting to the City Council under our rules and regulations and alphabetical listing of Housing Authority employees, as of December 31, 1982, name, position and salary of each employee.

Also,

No. 2372 Communication from the Board of Property Assessment Appeals and Review, submitting to Council its Certified total assessments of land and buildings for the City of Pittsburgh applicable to the year 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2373 Resolution amending Resolution No. 869, approved August 24, 1981, effective August 31, 1981, entitled, "Providing for the letting of contracts and the use of existing contracts for the purchase and delivery of Various Radio Equipment for the Department of Supplies of the City of Pittsburgh, and providing for the payment thereof", by increasing the amount by \$72,887.00.

Also,

No. 2374 Communication from George W. Jacoby, Director, Department of Supplies, requesting permission for Gilbert Martinez, Gilbert Lancia and Edward Earnest to attend a meeting with the Pennsylvania Department of Transportation Officials in Harrisburg, PA on January 21, 1983. Cost not to exceed \$155.00, funds are available in Code Account 1142, Misc. Services. Permission to use a City vehicle is requested.

Also,

No. 2375 Communication from George W. Jacoby, Director of Supplies, requesting permission for Barbara Burger to attend a Defensive Driving Course sponsored by the Western PA Safety Council, in Monroeville, PA on February 3 and 4, 1983, at a cost not to exceed \$150.00, payable from Code Account 1128, Misc. Services.

Which were severally read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2376

Report of the Committee on Finance for January 12, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2246

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Sarver Landscaping Design and Construction, Inc. in the amount of \$2,800.00 in payment for sprinkler system at Frick Park Tennis Courts, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2248

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Logan Corporation, 701 Limekiln Pike, Maple Glen, Pennsylvania 19002, in the amount of \$4,557.39, in payment for materials furnished for the benefit of the City; and providing for the payment thereof."

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2255

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories, Chapter 221, Contracts, Section 7, Lock Box System, by providing for the deposit of earned income and occupation taxes in the existing lock box systems of authorized depository banks."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2256

A Resolution entitled, "Resolution providing for the issuance of a warrant to Helen Hulbert, c/o J. Kerrington Lewis, Esquire, 512 Frick Building, Pittsburgh, PA 15219, in the amount of \$6,500.0x in full settlement of a lawsuit wherein Plaintiff claimed property damages and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2257

A Resolution entitled, "Resolution transferring the sum of Thirty-Four Thousand Dollars (\$34,000.00) from Unrestricted Cash Account, Mayor's

Office, Bond Fund, to Unrestricted Cash Account, Department of City Planning, Bond Fund."

Which was read.

Also,

Bill No. 2258

A Resolution entitled, "Resolution amending Resolution No. 783, approved July 30, 1982, effective August 12, 1982, entitled, 'Providing for a contract or contracts in connection with alterations and modifications to the Cashier Area, First Floor, Department of Finance; and providing for the payment of the cost thereof,' by increasing the authorized amount from an amount not to exceed \$20,000.00 to an amount not to exceed \$29,500.00; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2259

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a professional administrator for professional services in connection with the Workers' Compensation Program and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2260

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Court Reporter or Reporters in connection with the taking of testimony at Civil Service Commission and Appeals Board hearings;

and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2261

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Psychological Service of Pittsburgh for professional services in connection with the research, preparation, evaluation, administration, and validation of Civil Service entrance and promotional examinations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2262

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Joseph M. Mazzei, M.D., for professional services in connection with the examination of candidates for employment as police officers, firefighters, paramedics, school crossing guards, and extra helpers; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2263

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's

Medical Examination Program for Police Officer candidates, Fire Fighter candidates, and other candidates for employment and promotion; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2275

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Yarborough Development, Inc. in the amount of \$17,629.95; Rome Electric in the amount of \$6,670.00; and R.C. Kaiser in the amount of \$1,407.52, totalling in the aggregate \$25,707.47 in payment for extra work performed in connection with the Vehicle Maintenance Facility, Phase I; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mrs. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2294

A Resolution entitled, "Resolution creating a Special Trust Fund known as the 'Voluntary Head Tax' to deposit voluntary contributions received from suburban persons who work in the City for purposes of contributing to City services they enjoy."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mrs. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2377

Report of the Committee on Planning, Housing and Development for January 12, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2240

A Resolution entitled, "Resolution taking, appropriating and condemning certain property of R. Jeffrey Plesset, situated in the 28th Ward, City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, for 48" reinforced concrete pipe sewer line and other public purposes; and providing for payment of the cost thereof."

Which was read.

Also,

Bill No. 2241

A Resolution entitled, "Resolution providing for an Agreement or Agreements between the City of Pittsburgh and the Borough of Brentwood in connection with the improvement of

portions of Churchview Avenue ad providing for the reimbursement from the Borough of Brentwood to the City for the Borough of Brentwood's share."

Which was read.

Also,

Bill No. 2242

A Resolution entitled, "Resolution granting unto the University of Pittsburgh, its successors or assigns, the right and privilege to construct, maintain and use, at its own cost and expense, a steam line under Roberto Clemente Drive in the Fourth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2243

A Resolution entitled, "Resolution authorizing the Mayor of the City of Pittsburgh and the Director of the Department of Public Works to enter into a Lease Agreement with the Port Authority of Allegheny County, to use a parcel of their property known as Block and Lot 5-M-60 which is located between the Walbash Tunnel, Leaton Way, Millstone Way, and Woodruff Street in the Nineteenth (19) Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2251

A Resolution entitled, "Resolution authorizing the Mayor, Director of Public Works, City Solicitor and other appropriate agencies of government to change the name of Frankstown Avenue

to Martin Luther King, Jr. Avenue."

Which was read.

Mr. Robinson moved to recommit Bill No. 2251.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2378

Report of the Committee on Planning, Housing and Development for January 12, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative

recommendation,

Bill No. 2252

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Lemington Residential Corp. for construction of a five-story building to contain 80 dwelling units with a 16 stall parking area as "Housing for the Elderly" on property zoned "I-M" Institutional-Medical District identified as Parcel 1-B in the Lemington Plan recorded in Plan Book Volume 115, Page 72 located along the northwesterly side of Lemington Avenue between Wiltsie Street and Campana Avenue, 12th Ward."

Which was read.

Also,

Bill No. 2253

A Resolution entitled, "Resolution amending Resolution No. 443 of 1980 as amended by Resolution 687 of 1980 and 590 of 1981 providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Property Management and Maintenance Program; and providing for the payment of the cost thereof; by increasing the cost thereof."

Which was read.

Also,

Bill No. 1862

A Resolution entitled, "Resolution amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11, by changing from "C3" Commercial

District to "A1" Commercial-Residential Associated District all that certain property bounded by: Penn Avenue, Lot No. 293, Block 49-L in the Allegheny County Block and Lot System; Garden Way and Forty-Fourth Street, 9th Ward."

Which was read.

Also,

Bill No. 1863

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(14) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for permission to construct a six-story medical office building to Mellon-Stuart Realty Company on property located on the northwest corner of Penn Avenue and Forty-Fourth Street and identified as Lots No'd. 294, 296, 297, 298, 299 and 300, Block 49-L in the Allegheny County Block and Lot System, 9th Ward."

Which was read.

Also,

Bill No. 1788

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the South Aiken Offices Urban Development Action Grant Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the South Aiken Offices Urban Development Action Grant Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in

connection with the Project; and providing for the deposit of the funds in a bank account."

Which was read.

Mr. Givens:

On Bill No. 1788, could you explain a little bit what we're doing there?

Mr. Robinson:

Basically, what we're doing is we're giving authorization to the Urban Redevelopment Authority and our Planning Department to apply for an Urban Development Action Grant to assist in the building of this particular office building. The grant, originally, was going to be filed for in the last quarter, but HUD advised the City not to file. We got communication from them recently which indicated that this was the appropriate quarter in which to file.

Bill No. 1788, which had been tabled, was brought back on the table so that we could authorize the following of the application in the first quarter of 1983.

Mr. Givens:

Was there any amount stated in the action grant?

Mr. Stone:

I don't think any of them mention the amount, Dick.

Mr. Givens:

What address, they say South Aiken, but do they give an address where the office building is going to go up?

Mr. Robinson:

That information was in a cover letter that Mr. Brophy forwarded to us but I do not see it here in the body of the bill.

Mr. Perry:

The address? 568 and 580 South Aiken Avenue.

Mr. Robinson:

I think that's the Penn Shady Hotel. That's the address of the old hotel.

Mr. Givens:

Why isn't that in the body of the legislation?

Mr. Robinson:

It is in the body of the legislation, but it's not here on our file copies.

Mr. Perry:

The private investment will be \$4,240,000.00.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2379

Report of the Committee on Supplies for January 12, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2265

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Five, Traffic, Article III, Towing, Chapter 521, Scofflaws, by amending Section 521.02, Notice to Owner, Redemption or Sale by City, to allow the vehicle to be sold at public auction not sooner than thirty days from the date of certified mailing."

Which was read.

Mr. Woods:

I'd like to amend that bill. Instead of saying "from the date of certified mailing" to say "from the date of receipt of certified mail".

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Flaherty:

On Bill No. 2265, I am opposed and I would like to have my records from the Committee Meeting brought forward.

(MR. FLAHERTY'S COMMENTS ON BILL NO. 2265 - 1/12/83)

Mr. Flaherty:

I am opposed because it is dramatic enough to have your car towed and I would hate to see anyone to have their car sold.

(END OF COMMENTS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES 1

(MR. FLAHERTY VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley moved to excuse Michelle Madoff for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, January 24, 1983

No. 4

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 24, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 2381 Resolution amending Item G of Resolution No. 93, approved February 22, 1982, for the sale of 2 lots, 25th Ward, on California Avenue and

Lysle Street, designated as Block and Lot 22-G-204-205, to Norma B. Dalzell, for the sum of \$600.00. Resolution is to delete parcel 22-G-204 from the sale.

Also,

No. 2382 Resolution amending Item G of Resolution No. 580, approved June 21, 1982, for the sale of a vacant lot on 1711 Edwards Way (17th Ward) designated as Block and Lot 12-N-27, to Roberta and Harry Stackawitz, for the sum of \$250.00. Resolution is to correct names of former owners and date and DB volume and page.

Also,

No. 2383 Resolution amending Item G of Resolution No. 1368, approved December 31, 1982 for the sale of a lot on Compromise Street, 24th Ward, designated as Block and Lot 23-H-120, to Nadine M. Long for the sum of \$250.00. Resolution is to correct size of the lot.

Also,

No. 2384 Resolution amending Item L of Resolution No. 1368, approved December 31, 1982, for the sale of a 2-1/2 story brick house at 1917 Charles Street, 25th Ward, designated as Block and Lot 22-D-166, to Clarice Baylor, for the sum of \$2,500.00. Resolution is to correct the size of the house.

Also,

No. 2385 Resolution providing for the filing of a petition or petitions for

the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2386 Resolution providing for the issuance of a warrant in favor of Noralco Corporation, in the amount of Six Thousand Five Hundred (\$6,500.00) Dollars in payment for the Emergency Removal of steel bridge supports and span for the Monongahela Incline over the P.J. McArdle Roadway. Work approved by Council Bill No. 2244, dated January 13, 1983. Funds are available in Code Account PW 78-14, 4-01-05-0460-78, Emergency Repairs - Bridges.

Which was read and referred to the Committee on Finance.

Also,

No. 2387 Resolution further amending Resolution No. 1555, approved December 31, 1978, as amended by Resolution No. 403, approved May 1, 1981, entitled, "Providing for an Agreement or Agreements or Supplemental Agreements, for Professional Engineering Services in connection with the inspection and design of McArdle Roadway (PW 78-12 and PW 76-39); and providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation," by increasing the total allocation by \$28,000.00

Also,

No. 2388 Resolution providing for a Contract or Contracts for the

furnishing and installing and/or reinstalling steel guardrails and facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto; at a cost not to exceed \$50,000.00. Funds are available in Code Account PW 83-22, 4-01-30-0020-83, Flex Beam (Guard Rail) Contract.

Also,

No. 2389 Resolution providing for a Contract or Contracts for Wall Construction on Angle Street from Advent Street to Corfu Street, including necessary work on private property and other work incidental thereto; at a cost not to exceed \$180,000.00. Funds are available in Code Account PW 83-21, 4-01-30-0980-83, Angle Street Retaining Wall.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2390 Resolution providing for the issuance of a warrant in favor of Westburne Supply Inc., 300 Corliss Street, Pittsburgh, PA 15220, amount of \$257.60, (for the purchase of 2" copper tubing) chargeable to and payable from Code Account No. 1714, Materials, Department of Water. Interim approval authorized by Council Bill No. 2102 (1982).

Which was read and referred to the Committee on Finance.

Also,

No. 2391 Resolution providing for a contract or contracts for Relay of the Water Line and Other Work Incidental, 44th Street between Butler Street and Liberty Avenue, at a cost not to exceed \$350,000.00, chargeable to and payable

from Capital Budget Accounts,
Department of Water.

Also,

No. 2392 Resolution amending Resolution No. 500, approved June 6, 1980, providing for a contract or contracts for the relay of undersized water lines serving fire hydrants, by decreasing the appropriation therein from \$390,000.00 to \$256,672.45, chargeable to and payable from 1975, 1976, 1977 and 1978 CDBG, CDGF (WD-75-48, 76-49, 77-4 and 78-2), Department of Water.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2393 Resolution authorizing the issuance of a warrant in favor of GAL Construction, Inc. in the amount of \$5,912.13 in payment for work performed at Northgate Park, Pool and Bathhouse, furnished for the benefit of the City without previous authority of law, chargeable to and payable from Project Code 4-10-05-1329-80 (PR 80-05) in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2394 Resolution amending Resolution No. 1385, effective January 1, 1983, entitled, "A resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by transferring certain monies in Project Specific Trust Funds for 4-10-10-1556-83 (PR 83-13) Friendship Park Renovation.

Also,

No. 2395 Resolution providing for a contract or contracts or the use of existing contracts for the rehabilitation of Friendship Park at a cost not to exceed \$145,000.00, chargeable to and payable from The Friendship Park Trust Fund in the Department of Parks and Recreation.

Also,

No. 2396 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting interim approval for payment for work in connection with the Coral Reef Exhibit at the Pittsburgh Aqua Zoo, at a cost not to exceed \$25,000.00, payable from Project Code Pittsburgh Zoo Membership Trust Fund.

Also,

No. 2397 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Leonard Heinz, Stephen Klepeis and William O'Shanick to attend a Swimming Pool Operator's Course at the University of Pittsburgh for ten consecutive Tuesdays beginning January 18, 1983, at a cost not to exceed \$170.00, payable from Code Account 1801, Misc. Services. (Interim approval has been granted).

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2398 Resolution providing for an agreement or agreements effective January 1, 1983, with James K. Staud, VMD, for veterinarian services in connection with the treatment of dogs assigned to the Canine Unit of the Operations Branch of the Department of Police, services for a period beginning

January 1, 1983, through December 31, 1983, at a cost not to exceed \$3,000.00 payable from Code Account 1447.

Also,

No. 2399 Communication from Charles Lewis, Chief, Pittsburgh Fire Department, requesting permission for John Moran and Jack Faulkner to attend the Fire Department Instructors Conference in Memphis, Tennessee on March 12-17, 1983, at a cost not to exceed \$1,600.00, payable from Code Account No. 1463, Misc. Services and Repairs.

Also,

No. 2400 Communication from Glenn M. Cannon, Director, Department of Emergency Medical Services, requesting permission for G.J. Burgman and Joseph Jones to attend a conference on Stress Factors in Emergency Medical Services and Critical Care Medicine in Catonsville, Maryland on March 25-27, 1983, at a cost not to exceed \$700.00, payable from CS 1421, Misc. Services, E.M.S.

Also,

No. 2401 Communication from Glenn M. Cannon, Director, Department of Emergency Medical Services, requesting permission for Glenn M. Cannon and Douglas Garretson to attend the National Fire and Rescue Instructors Conference in Memphis, Tennessee on March 13-18, 1983, at a cost not to exceed \$1,800.00, payable from C.A. 1421, Misc. Services, E.M.S.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2402 Resolution providing for

the filing of a Community Development statement in connection with the 1983 Community Development Block Grant Program; providing for the execution of Grant Contracts and for the filing of other data; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; providing for the deposit of the funds in a bank account and providing for payment of expenses within categories.

Which was read and referred to the Committee on Finance.

Mr. Stone presented

No. 2403 Resolution providing for the issuance of a warrant to George Adams and Jo Frances Adams, c/o John Daley, Brennan, Robins & Daley, 1900 Commonwealth Building, Pittsburgh, PA 15222, in the amount of \$1,895.00 in full settlement of a lawsuit arising from property damages suffered as a result of flooding on July 17, 1979.

Also,

No. 2404 Resolution providing for the issuance of a warrant to Anna M. Miskovitch, c/o Irving M. Portnov, Esquire, 1701 Grant Street, Pittsburgh, Pennsylvania, 15219 in the amount of \$2,500.00 in full settlement of a claim for personal injuries and providing for the payment thereof.

Also,

No. 2405 Communication from Mayor Caliguiri, requesting reimbursement in the amount of \$352.50 payable from Code Account 1017. Mary Hall attended the Region III Conference of Commissions for Women held in November 1982. (Interim approval was

granted on November 9, 1982).

Also,

No. 2406 Communication from Raymond E. Johnson, Jr., Deputy Controller, Department of City Controller, requesting permission to attend a seminar on Mandatory Bond Registration to be held in Atlanta, Georgia on March 17, 1983. Total expenditures will not exceed \$700.00, including registration fee, chargeable and payable from Code Account 1048, Misc. Services.

Also,

No. 2407 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting permission for Stephen Schillo to attend a seminar of the Municipal Finance Officer Association's Career Development Center in Columbus, Ohio on March 4, 1983, at a cost not to exceed \$500.00, payable from Code Account 1063, Misc. Services.

Also,

No. 2408 Communication from Melanie J. Smith, Director, Department of Personnel, requesting interim approval for Paul Leger to attend a meeting pertaining to Summer Youth Employment Programs in Philadelphia, Pennsylvania on February 2 and 3, 1983 at a cost not to exceed \$480.00, payable from the C.E.T.A. Trust Fund, federal funds.

Also,

No. 2409 Communication from Melanie J. Smith, Director, Department of Personnel, requesting interim approval for David Farley to attend a meeting pertaining to the transition from CETA to the Job Training Partnership Act in Johnstown, Pennsylvania on January 20,

1983, at a cost not to exceed \$100.00, payable from CETA Trust Fund, federal funds.

Also,

No. 2410 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of December 31, 1982.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 2411 Resolution authorizing the Director of Finance and the City Treasurer to work with the ACTION Mortgage Delinquency Task Force plan to prevent unemployed home owners from losing their homes in the City of Pittsburgh through Treasurer's Sale.

Which was read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Is that going to be introduced as a bill or a resolution today? Is it going to be taken up today?

Mr. Perry:

Wednesday, in Committee.

Michelle Madoff:

Is this similar to the one that Judge Papadakos and Gene Coon introduced?

The Chair:

No. That was mortgages with the banks, Michelle. These are delinquent tax sales in the City of Pittsburgh. They're handled by the Treasurer's Office, I believe, every quarter. There's one coming up in the spring.

Michelle Madoff:

And you're asking that we do what?

The Chair:

They eliminate or delete those who are unemployed who are delinquent in their taxes from that sale this coming sale.

Michelle Madoff:

That's very commendable.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2412

Report of the Committee on Finance for January 19, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2276

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Bee-Kim Co. Inc., in the amount of \$137.90, \$139.00, \$237.50 and \$12.50 totaling in the aggregate \$526.90 in payment for cleaning supplies for the benefit of the City in connection with the daily maintenance of the City County Building and Public Safety Building; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2277

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Robert E. Mierzwa, in the amount of \$517.50 in payment for professional services furnished in connection with elevator maintenance at the City-County Building and Public Safety Building; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2284

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Noralco Corporation in the amount of Four Thousand Four Hundred Twenty Nine (\$4,429.00) Dollars in payment for Extra Work furnished for the benefit of the City in connection with the Bloomfield Bridge Demolition; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2285

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Green International, in the amount of Seventeen Thousand Two Hundred Fifty Eight Dollars and Thirty Six Cents (\$17,258.36) in payment for Emergency Engineering Services for Sidewalk Inspection and Rehabilitation furnished for the benefit of the City in connection with the Ft. Pitt Boulevard - Eastbound; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2286

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Equitable Gas Company in the amount of Ten Thousand Five Hundred Eighty Dollars and Sixty Seven Cents (\$10,580.67) in payment for the City's share of materials furnished and work performed on S. Aiken Avenue Bridge and Herron Avenue Bridge; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2287

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of One Thousand Nine Hundred Forty Two Dollars and Fifty Cents (\$1,942.52) in payment for the City's share of inspection costs in connection with the Fifth Avenue (Boquet Street to Bellefield Avenue) Project, Agreement No. 61223A; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2288

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of One Thousand Eight Hundred Sixty Six Dollars and Eighty Five Cents (\$1,866.85) in payment for the City's share of inspection costs in connection with the Forward, Murray and Pocussett Street Project (Agreement No. 61223B); and providing for the payment thereof."

Which was read.

Also,

Bill No. 2289

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Four Thousand Ninety Eight Dollars and Fifty Cents (\$4,098.50) in payment for the City's share of inspection costs in connection with the Greenfield Avenue Bridge Project, Agreement No. 61223C; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2290

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Two Thousand Five Hundred Forty Five Dollars and Ninety Three Cents (\$2,545.93) in payment for the City's share of inspection costs in connection with the S. Aiken Avenue Bridge Project, Agreement No. 61223D;

and providing for the payment thereof."

Which was read.

Also,

Bill No. 2291

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Three Hundred Forty Five Dollars and Thirty Five Cents (\$345.35) in payment for the City's share of inspection costs in connection with the Stanwix Street Bridge Project, Agreement No. 61223E; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2292

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of One Thousand Eight Hundred Sixty Seven Dollars and Fifty Six Cents (\$1,867.56) in payment for the City's share of inspection costs in connection with the Benton Avenue Project, Agreement No. 61223F; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2293

A Resolution entitled, "Resolution amending Resolution No. 778, approved July 30, 1982, effective August 12, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Rehabilitation of the P.J. McArdle Roadway from Pier No. 28 to the West Abutment; and providing for the payment of the cost thereof,' by amending the title, providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by Two Thousand (\$2,000.00) Dollars." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. O'Malley

Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2300

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Art Frangos Contracting Co. in the amount of \$6,771.60 in payment for the installation of rolling doors and drywall at the Frick Park Service Building, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2302

A Resolution entitled, "Resolution transferring \$1,167.00 from the People Watching Out for People Trust Fund to the Emergency Street Phone Network Project Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2308

A Resolution entitled, "Resolution authorizing the Mayor to issue, and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

Also,

Bill No. 2309

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Frank F. Conte, Inc. for the cost of repairs on the Computer Room Air Conditioner without previous authority of law."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2310

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of William M. Mercer, Incorporated, in the amount of \$4,200.00 for special actuarial services rendered in connection with the City of Pittsburgh Pension Funds."

Which was read.

Michelle Madoff:

On Bill No. 2310, the actuarial services, why was that necessary when actuarial services on ages are available from almost every insurance company?

Mr. Stone:

Specific employees.

Michelle Madoff:

Well, our specific employees are no different than any other specific employees. There are insurance reports that tell you - you don't need to spend \$4,000 to find that information out.

Mr. Stone, I have a lot of interaction with people in the insurance business and we all understand what actuarial reports are and how they come down and how they're determined and they're pretty much standard among all insurance companies. Granted, we have an assortment of people but they could be fed into a computer very quickly. I don't see why we need to spend \$4,200 for that. And who is Mercer? What work do they do for the City? How do they tie in with us?

Mr. Flaherty:

I had requested the same information at last Wednesday's Committee Meeting and there was no one at the table nor was there anyone in the audience that could supply information as to who this individual is, William Mercer, and how he was selected and what services it is that he's providing. I had requested that information on Wednesday from the City Treasurer's Office and I still have not received a response.

Michelle Madoff:

Who's committee is it in? Is it Mr. Stone's committee?

Mr. Flaherty:

It's in Finance.

The Chair:

I asked Mr. Schmeiser to come here today and answer that question. Mr. Schmeiser went to New York to sign some bonds and therefore couldn't be with us this afternoon.

Michelle Madoff:

Then I move to hold this bill.

Mr. Flaherty seconded the motion.

The Chair:

Is there any further discussion on the recommittal?

And on the question, "Shall the recommittal pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES none

(MR. GIVENS AND MRS. MASLOFF
ABSTAINING)

And a there being two-thirds of the votes of Council in the affirmative, the recommittal was approved.

Also,

Bill No. 2311

A Resolution entitled, "Resolution authorizing the transfer of two hundred nineteen thousand, one hundred and nineteen dollars (\$219,119.00) from the CETA Trust Fund to the 1983 General Fund of the City of Pittsburgh for Reimbursement of Indirect Costs, Comprehensive Employment and Training Program, CETA, for Fiscal Year 1982."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2413

Report of the Committee on Public Works for January 19, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2332

A Resolution entitled, "Resolution amending Resolution No. 1135, approved November 3, 1980, entitled, 'Resolution vacating portions of Tunnel Street, Center Avenue, Court Place, Sixth Avenue, Bigelow Boulevard and Grant Street in the First Ward of the City of Pittsburgh, and providing for the conveyance of portions of Grant Street, Bigelow Boulevard and Sixth Street, excepting and reserving all utility easements in Tunnel Street, and providing for the payment of the cost thereof; and creating a special trust fund in connection therewith,' by providing for the execution of an Agreement with 500 Grant Street Associates, or other entities, necessary for the transfer of the building located at the corner of the Grant Street and Fifth Avenue in the First Ward of the City of Pittsburgh."

Which was read.

Mr. Robinson:

On Bill No. 2332, Council had requested that the City Solicitor provide us with some information relative to the significance of changing the name on these agreements of what the impact would have on the parties to the agreements. I think each member of Council received a letter from Mr. Pellegrini dated January 21, 1983 which responds to our concerns. I asked Mr. Pellegrini to be here because I have a couple of questions concerning his last paragraph. If I might read that paragraph, it says, "Resolution No. 1135, approved November 3, 1980, establishes various rights and obligations among the various property owners located within the Grant Street East Project Area. With the purchase of the one Mellon

National Building from the U.S. Steel Corporation, it is necessary for the new property owner to assume those rights and obligations that were previously those of the U.S. Steel Corporation."

With Council's indulgence, I have couple questions for Mr. Pellegrini because I think his response is incomplete and does not give the specific information that we requested.

Dan, correct me if I'm incorrect, the resolution that you mentioned in your communique from November 3, 1980, 1135, was that the legislation that originally turned over to the U.S. Steel Corporation, that portion of land which was identified as Parcel A?

Mr. Pellegrini:

Parcel A was not owned by the City. It was owned by the Urban Redevelopment Authority. That was a vacation ordinance. 1135 was for the new street patterns. It authorized the vacation of the old street pattern there and the acceptance of a new street pattern in the payment of money for, as I recall, they paid us \$935,000 and we had to pay Port Authority \$466,000.

Mr. Robinson:

Was there any transfer of land from the City or Urban to any parties pursuant to Resolution 1135.

Mr. Pellegrini:

The streets were vacated. There was no land, per se, transferred.

Mr. Robinson:

The streets. So there was land transferred. The street is land.

Mr. Pellegrini:

The street is a vacation and the reversionary rights go to the property owner. In a sense it's a transfer of land but it wasn't a deed transfer that lawyers normally think of as a transfer of land.

Mr. Robinson:

What was the purpose of vacating the streets?

Mr. Pellegrini:

The purpose was to build the Grant Street East Project, the Steel Plaza.

Mr. Robinson:

Then my point would be that in effect we transferred land. I'm leading to a point. My point is that some of the agreements and arrangements that you make reference to in this communique would seem to me to relate specifically to transferring land from the City or Urban to a private individual and if certain kinds of conditions under which that transfer was supposed to occur, if we now are making arrangements for them to transfer to somebody else, then you're pretty much saying these rights and obligation are going along. I have two questions. One, did U.S. Steel meet all the obligations that they had to us originally and are the new parties aware of all the obligations that they're going to be carrying?

Mr. Pellegrini:

Yes.

Mr. Robinson:

Was U.S. Steel aware that in the transfer of this land for the building of that building, and I would assume it's the

one behind us where the Carlton House used to be, that they were required to develop and implement a minority business enterprise program?

Mr. Pellegrini:

That was part of the agreement.

Mr. Robinson:

That was part of the signed agreement.

Mr. Pellegrini:

That's right.

Mr. Robinson:

Okay. Now, are you aware of any mechanism that the City, or any agency of the City, ever put in place to make sure that that portion of the agreement was implemented?

Mr. Pellegrini:

My understanding is that there wasn't an agreement reached very early on with the parties concerning it. I haven't followed it since we signed the agreement. I'm not aware of it, no.

Mr. Robinson:

Let me relate two things. One, there was an agreement and I would assume that the parties to the agreement were responsible for implementation and certainly whoever signed it for the City would be responsible. You might want to check that. And if there should have been some mechanism and there should be somewhere in our files a copy of some sort of plan that U.S. Steel was going to implement and certainly some means by which we could determine if they did what they said, I think we need to have that before we start transferring this

property to somebody else.

The second thing is that Mr. Mulvihill, in a written opinion and also in an appearance before this Council, and I believe you came with him, indicated that there was an outside agreement, that is an agreement between U.S. Steel Corporation and some outside individuals relative to the issue of minority business development and that in your opinion that agreement would suffice to address Council's concern that minorities and women would have an opportunity to participate in substantial manner in that project. I personally took issue with that because neither you or Mr. Mulvihill were a party to that agreement and neither one of you knew anything about it and I thought that we should not be proceeding taking the word and taking the advice of persons to whom we have not been privy to their conversation. Subsequent to that, of course, the agreement was signed and we had our own provision put in it.

The point I'm leading to is that certainly when we start talking about these rights and obligation, the obligation to develop that Minority Business Enterprise Program was placed on U.S. Steel. We had an obligation to see to it that it worked. I have yet to see any demonstration that it worked or to see any demonstration that any substantive arrangement was worked out. Now we're being asked to transfer this land to somebody else and to transfer to them all these obligations. I'm saying that if we're transferring all these obligations to them, are we transferring to them the obligation for this Minority Business Enterprise Program and if we are, what documentation do we have that this new organization, this new group, 500 Grant Street Associates, is aware that they must have on file with the City and implement a Minority Business Enterprise Program.

Mr. Pellegrini:

Number one, U.S. Steel is going to finish the completion of the construction of the building. My understanding is that the agreement between U.S. Steel and Mellon Bank, as you're aware, it's very difficult in mid-stream to say, "Okay, U.S. Steel contractor leave the job, someone else will take over." All those contracts will still be those of U.S. Steel. So, my understanding is that 500 Grant Street Associates, which is the alter-ego of Mellon Bank, will not be engaged in construction. The agreement is necessary because under New Bigelow, the Dravo Building, there's a garage, there's other easement rights that have to be addressed. U.S. Steel is still under and obligation for the rest of the development of the Grant Street East Project which there are probably three or four more buildings that are going to be constructed to comply with that provision. This was also an agreement with the Port Authority who has just passed a similar resolution as the one before Council today and they've also agreed to the terms. So, it's not just an agreement with United States Steel. It's an agreement with all the parties.

Mr. Robinson:

I'm not concerned with what actions Port Authority might have taken in this matter. I am concerned about whether or not we lived up to our obligations and whether or not we asked U.S. Steel to live up to its obligation originally. I would assume that because the bill is before us, 2332, we still have some involvement in the total process of completing that project.

Also, I don't believe that anything in the discussions or negotiations around establishing a Minority Business Enterprise Program ever suggested that it would be limited to construction. And

until I actually see, and hopefully Council would agree, that we actually see the documents, the plan, the mechanism for implementation, I think it is fair for us to assume that it has never taken place. If Council will remember when this issue first came up, I was very adamant that we could not transfer that land until we implemented certain legislation that was on the books in the City of Pittsburgh. Part of that legislation called for the creation of a Minority Business Enterprise Review Committee which is now in place and was put in place prior to us transferring these streets, this land, etc. And certainly, they had the responsibility. If they have the plan, if they've done the monitoring, if they can answer the questions, then I think it's appropriate for Council to get that information from them. But as someone on the Solicitor's staff who assured this Council that we were meeting our obligations, it seems to me that before you start talking about preparing legislation to transfer this land again that we ought to make sure that everybody who was a party to the agreement did what they said they were going to do. The people who signed that agreement, as far as I'm concerned, are obligated and if they have not met any of their obligations, we cannot take any action here until we have assurances that those obligations are going to be met.

Mr. Pellegrini:

My understanding is that a plan was submitted to the MBE Committee and they're the ones that are responsible for monitoring compliance. This transfer can still take place without Council's approval. What it does though, it will not tie in One Mellon National to the agreements and U.S. Steel will still be responsible. But this, in effect, is for the benefit of the City because One Mellon National, Mellon Bank, 500 Grant Street Associates, becomes party to the

agreement.

Mr. Robinson:

Dan, I think the fact that, as you said, it's to the benefit of the City, even makes my point more relevant. Let me get at it from another way. When this bill was in Committee on Wednesday, both Mr. Stone and myself raised some concern about the specifics. We asked that it be held until Monday until we could get the kind of information that you tried to provide us with today. Your letter does not detail some of the things that you're saying now and certainly we suggested that we wanted more specific kinds of information. You're telling me now that the Minority Business Enterprise Review Committee did receive a plan, did monitor, does have the information, it would seem, again, that it is in Council's best interest to get that information before we move forward. And if indeed all these actions can take place without our approval, no one is being jeopardized if we wait at least a week until Reverend Simms and his committee can assure us that all the obligations have been met.

I'll tell you why I'm so concerned about this. It seems to me that if we're going to require people to do things, we're going to take up your time and the time of people in your office to make sure that we're abiding by the law. The least we ought to do is be involved and enforcing the law and making sure that the laws are enforced equitably for all parties and not be trying to rush through agreements for anyone's convenience. What will happen is the same thing that occurred when we originally tried to transfer the land. You will have people raising all kinds of concerns about who should do what, who's obligated where, why doesn't the City do this, why doesn't the City do that? I'm simply saying that if we put it all together now, get all the

facts and the figures now, then we protect ourselves. We protect the City of Pittsburgh by seeing to it that what we asked to have done back in 1980 was done and if it wasn't done, we can identify those persons who we should hold responsible.

Mr. Pellegrini:

I understand your concern. The only thing I'd just like to point out to Council and then Council can do what it likes to do, is that U.S. Steel and Mellon Bank is going to be closing, as I understand it, in the next week or so. I think that's information that you have.

Mr. Robinson:

Let me just make one comment on that then I won't have anything else to say. On numerous occasions, exactly what you have said has been used as a justification for this Council to move forward to override its own decision, its own will. This whole notion that other parties outside this Council have time schedules that we must adjust to, I don't think is in the best interest of the City of Pittsburgh. It seems to me, Mr. Pellegrini, that your main concern should be for us here, not for U.S. Steel, not for Mellon Bank, what have you, and that you should be a bit more concerned that perhaps what I am saying is correct and maybe you could be a little bit diligent in getting that information and asking Mellon Bank and U.S. Steel to wait maybe a few more days until Council can get the kind of information it needs.

Mr. Pellegrini:

Councilman, if you would have told me that you wanted this information, I would have had it for you today. The only thing the letter asked for that I received from Council was why was this necessary. I think my letter

responded to that. If someone would have told me on Friday, I would have had the information and the answer to you as to whether they complied. I could have called Mr. Simms and found out. But I just didn't know.

The Chair:

May I make a suggestion? Is it alright if we ask Mr. Simms to come over here and move on to the other bills?

Mr. Stone:

Mr. President, if I may for just one moment. The reason, Danny, that came up on the name, I was wondering why it wasn't to so and so, their successors and assigns. And that's why we asked why it came back. At least that was why I was probing it. But I can see now why you need to do it and that to have the assignee or the purchaser be obligated to the same rights and obligations. It has to be a one on one proposition. So, you've answered my question.

In fairness, Mr. Robinson, with the exception of answering whether or not in fact it has been done, this is necessary to make the tie in the second party to the same thing that the first one was tied in. So, legally, he has done what's right to obligate the second purchaser, Mellon, into carrying out what was done before.

Whether in fact, the administration thing was carried out is another issue. But what Danny has done is he's answered my question by obligating the second person.

Mr. O'Malley:

Danny, it says here the transfer of the building, is the City going to collect sales tax on that transfer?

Mr. Pellegrini:

Real estate transfer tax? Yes. If it's anywhere near the sale of the U.S. Steel Building then it should be in the same area.

Mr. O'Malley:

That sales tax we're going to collect, I imagine that building was built under our abatement. Is that sales tax going to be based on the abatement, the price of the property, or the real value of the property?

Mr. Pellegrini:

Whatever the sale price is, we'll get two percent on the real estate transfer. I don't know what the sale price is going to be but it's a 54 story building and the U.S. Steel Building was 64 stories and it sold for about \$240 million. It should be a nice sum of money.

Mr. O'Malley:

So, it's two percent of the total gross?

Mr. Pellegrini:

That's right. And the State will get another one percent.

The Chair:

Mr. Simms, would you come to the microphone? Mr. Robinson had a question on minority representation and participation in the U.S. Steel contracts on Grant Street in regards to the buildings.

Mr. Robinson:

Reverend, my concern relates to, I don't know if you're specifically

familiar with this bill, but back in 1980 we passed a bill on November 3, Resolution No. 1135, we vacated some streets and in effect transferred some lands for the building of the U.S. Steel Building, the new building. At that time, the issue came up of the implementation of the Minority Business Enterprise Review Committee, of which you are now the Chairperson. My concern on the bill before us, which is 2332, is as we prepare to transfer the rights and obligations from U.S. Steel Corporation to 500 Grant Street Associates, have we done anything to make sure that U.S. Steel Corporation submitted to us the Minority Business Development Plan, did we do anything to see that it was implemented and are we monitoring it? And then as we get ready to transfer over, are the new owners going to be aware of any obligations they might have? Mr. Pellegrini indicated that perhaps you had that information and could share it with Council.

Mr. Simms:

When the, I think it's Parcel A, which was the parcel of land that was transferred to URA as a part of the development of Steel Plaza, I think it was called at that time, that parcel was to be used by the Port Authority to develop the light rail station. We had asked the Port Authority, since they were monitoring the project at that time and the MBE Review Committee was, as you know, in the process of organizing itself and working through its procedures, we had gotten assurances through the Port Authority that they would receive the MBE plans for that parcel since URA was a party to it in transferring it over. As you recall, the concerns from a lot of interested groups in the City about the practices and policies to be followed by private developers in the whole building of the Renaissance and efforts downtown, those

kinds of concerns gave really the impetus to the MBE Review Committee's efforts and the legislation that you submitted to empower the Committee to do its work. The arrangements between the developers and some of the other private interest groups, those arrangements preceded the MBE Review Committee beginning its work.

I have talked to many of the parties involved in the projects and many of the people who represent interest groups in the projects. We've not had the same degree and extent of difficulty, I think, in living up to some of those obligations on this development as has been true in some others. While none of them are perfect, we think that the Port Authority's monitoring of the light rail transit portion and the developers and the cooperation with some of the other interested groups in this project has probably worked out to the best at that time.

Mr. Robinson:

Two questions. One, the agreement that was signed between the City and U.S. Steel obligated us, the City, to see to it that the project had implemented an MBE program. I don't believe it gave to your committee or anyone else the power to transfer over that obligation to the Port Authority and say to them, "You make sure it's done".

Mr. Simms:

I think you're right. I think the question was, one of the conditions of the ordinance that really founded the MBE Review Committee was that the Committee was to develop its policies and procedures. The Committee had convened itself and had been working to develop a set of policies that would be consistent for carrying out its work. This project was going at the same

time. In order that the MBE plan would be there and activity could happen, that's when we asked for the cooperation of the Port Authority. You're right.

Mr. Robinson:

Okay, do we have on file whatever kind of plan that Port Authority required U.S. Steel to implement and are we involved in that monitoring process?

Mr. Simms:

They did submit to us a copy of the information that they got. At that point, we used that to support us during the time we're developing our policies and procedures. I can get that to you if you'd like to see it and the other results from the documentation that they've sent on that.

Mr. Robinson:

Did the plan that Port Authority asked U.S. Steel to implement, did it relate not only to Parcel A where the transit site was going to be, but it also relates to the site where the building was actually going to be constructed?

Mr. Simms:

No, I think that was the Parcel A site where the Transit Authority would do its work.

Mr. Robinson:

So the building of the structure itself was not under the purview of Port Authority, it was still under our purview to make sure there was an MBE plan?

Mr. Simms:

As I understand it, the structure itself that the arrangements and the conditions under which that was to

happen, that those conditions and arrangements were made prior to the MBE Review Committee being empowered to do its work. Those arrangements had been negotiated with other interested groups as to how that MBE plan would be submitted, how it would be monitored, and their interest in that whole matter, again, gave the impetus for us to begin our work on it. So, those arrangements were made with other parties who were interested in it.

Mr. Robinson:

Let me raise the same concerns with you as I raised with Mr. Pellegrini and that is that both Mr. Pellegrini and Mr. Mulvihill, Mr. Mulvihill at that time was our City Solicitor, submitted two written opinions to Council and then came to Council and explained those opinions relative to these agreements that you're making reference to, these agreements signed by outside parties. At that time, I asked both Mr. Mulvihill and Mr. Pellegrini if they knew the names of the organizations or the persons who negotiate agreements and their response was no. I asked them were they, Mr. Pellegrini and Mr. Mulvihill, a party to the agreement. They said no. I asked them did they know the contents of the agreement. They said no. I asked them then, how can you in good conscience say to this Council that we can move forward to transfer Parcel A and be relatively assured that there will be the involvement of minority and women when in fact you had not been informed about the nature of the negotiations around that issue.

Subsequent to that, the Administration under Mr. Matter's leadership, made available to this Council an agreement which did in fact obligate United States Steel Corporation through their realty division to implement a Minority Business

Enterprise Review Program. It did not suggest that somebody else was going to carry it out. It did not suggest that it related to the rapid transit system. It related specifically to the construction of the building which sits right behind us where the Carlton House was. And whether your committee or some other committee was supposed to implement that, my concern is that from what I've heard you say, we do not now have on file a copy of that plan or that mechanism, nor do we have anything to substantiate that that portion of the agreement was carried out. And since we don't, I have some real problems about now transferring over to another party all these rights and obligations. That's just a comment.

My question is that if we assume that there is no plan, if we assume nothing has been implemented, if we assume there has been no monitoring on our part, the City is part owner, and that is not to say something has not been done on the City's part. What, if any role, can your committee play to make sure that as this property is transferred from U.S. Steel to 500 Grant Street Associates, that 500 Grant Street Associates understands that they have to have a plan on file, they have to implement it and there must be a mechanism for monitoring?

Mr. Simms:

At this point, Councilman, I think the benefit of your earlier counsel to the Committee is really going to be a benefit to us here. As you recall, the MBE Committee, in developing its procedures, we view development as being more than simply the physical construction of a facility on a site. In consultation with you we added in our criteria that there are some long-term benefits that are of interest to the minority community developments. At that point, we're

talking about a lot of things. We're talking about leasing of space, we're talking about investments, the use of consultants, a lot of long-range, on-going efforts that will come under the interest that we're talking about. When we look at those areas, we should be talking about building the facility, but there are points in the plan that meet to this transfer. And I think if that's the question you're asking, I think the benefit of your earlier counsel will hold us in good state here.

Mr. Robinson:

Could you give us some time frame as to when you can meet with 500 Grant Street Associates to inform them of their obligations as you understand it and to also consult with Mr. Pellegrini to make sure we're on firm legal ground? The reason I ask for the time restraints is if that Mr. Pellegrini suggested that U.S. Steel and Mellon Bank are under some kind of pressure to conclude this total agreement and it seems to me that if we're to conclude the total agreement that they can't do that without your input and that at some point this Council needs to have some documentation which would indicate that you are satisfied that some process is in place and that 500 Grant Street Associates knew about the process and agreed to it before they signed their name to the dotted line.

Mr. Simms:

Fine. I'm available to Mr. Pellegrini and the other parties in the Grant Street Associates and I can get the information to our committee and we can proceed in a very timely manner.

Mr. Robinson:

Would it be appropriate to ask you to have that back to us in two weeks?

Mr. Simms:

I can do that, yes.

Mr. Robinson:

I would appreciate that. If that meets with your approval, Mr. President.

The Chair:

Okay.

Michelle Madoff:

Are you going to hold the bill?

Mr. Robinson:

No, if Reverend Simms says he can get that information back to us in two weeks, I'll go along with that.

Mr. Simms:

Thank you very much.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2333

A Resolution entitled, "Resolution amending Resolution No. 1122, approved October 25, 1982, effective November 5, 1982, entitled, 'Providing for a Contract or Contracts for the Construction of a Salt Dome on Bausman Street, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof,' by increasing the total allocation by Sixteen Thousand (\$16,000.00) Dollars and by amending the funding source."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 2414

Report of the Committee on Water for January 19, 1983 transmitting sundry

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2295

A Resolution entitled, "Resolution amending Resolution No. 283, approved April 11, 1982, entitled, 'Providing for a contract or contracts for the relay of the water main in conjunction with the Improvements to the Chestnut Street Intersection; and providing for the payment of the cost thereof,' by decreasing the appropriation therein."

Which was read.

Also,

Bill No. 2296

A Resolution entitled, "Resolution amending Resolution No. 1445, approved December 29, 1981, as amended, entitled, 'Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program' combining line items WD-82-09 and revising the scope of work."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. O'Malley
Mr. Givens Mr. Robinson
Michelle Madoff Mr. Stone
Mrs. Masloff Mr. DePasquale
 (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2297

A Resolution entitled, "Resolution providing for a contract or contracts for The Relay of Water Lines and Appurtenances in Third Avenue, Fourth Avenue and Market Street and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2298

A Resolution entitled, "Resolution providing for a contract or contracts for the Relocation of the Lowe Street Bridge Water line; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

I've reviewed all these bills and there's nothing we can do to hold them up. We have to go forward. But I would like it recorded for the record and I will be doing this on all Water bills, that something has to be done about our decaying water lines. We are doing less than one percent of repairs. As you know, we had 1,188 leaks in twelve months. We don't supply water just for the City but for the suburbanites and

something is going to have to be done and we are in very dire straits with our Water Department. I'm waiting for that study to come back and I would hope that we will not have the foregone conclusion that it will be an authority.

Mr. Flaherty:

I vote no on Bill No. 2297 and Bill No. 2298 because I am not aware of how those very large contracts were awarded and who they were awarded to.

Michelle Madoff:

May I comment on that? I have asked, and it has passed this Council and Mr. Flaherty is absolutely correct, that we are not to get any bills, Mr. Perry, that just give us a contractor without giving the name and not giving us the principles. We want to know who the people are. I must assure you though that I did check into these and they're people that are putting our valves in. They have long term contract but they pay piece-meal. We do a part of it and another part and sometimes doing it in blocks we get our price down. I think one is Casciato and I forget the other name, but I checked them. But you're absolutely right. The point is that we should not be voting in a vacuum. The media and the public should have the same right to know as I know and the name should appear on the bill and you're right.

Again, would you get a message, a note, out please once more, to everybody submitting a bill, including the Water Director, asking if they would not only the name, I want to know who the principles are. Is it Mr. Darling or is it Mr. Cousins? I want to know who we're dealing with.

Mr. Stone:

Mr. President, I would like to commend the last two speakers on knowing who the awardee was because as I read the bill it says they're hereby authorized to advertise for proposals. They're going out for proposals, they haven't even awarded it yet.

Michelle Madoff:

Mr. Stone, in the first two bills, --

Mr. Stone:

2297 and 2298.

Michelle Madoff:

No, I'm talking about the bills in general. I got a call from my aide and we discussed these bills, Mr. Cosentino was in my office to ask if it was alright with me to go ahead and not only put some out for bid but to continue with some of the contracts he already had because they do them in stages. I know who the contractor is who is doing the present work. I don't think that the Councilmembers know who the contractors are doing any of our work. It's a general bill not a specific bill that I'm addressing. We passed it in this Council.

Mr. Flaherty:

In regard to the section that Councilman Stone referred to, if he would continue to read the sentence, it says, "are hereby authorized to advertise for proposals and to award and enter into a contract or contracts for the relay of water lines and appurtenances". This once again is the same practice where Council is giving a blank check to a director. Here we are going to give a director \$420,000 and we're saying go out and award this to someone to do the

work. And we don't know who he's going to award it to because he hasn't even advertised for a proposal. He does not have to come back in front of this Council. There's absolutely no safeguards, no safe checks on accountability whatsoever.

The Chair:

With one exception. They're taking bids and proposals and of those bids and proposals they're going to select a contract. We don't know who it's going to be.

Michelle Madoff:

May I respond to that? It's my department. In certain areas of the Water Department, Mr. Flaherty, there are I think only one or two people and only one person in this area qualified who even knows, we don't even know where our lines are. We don't know our schematics of the City, this one person does and thank God we have him.

Mr. Flaherty:

Who says.

Michelle Madoff:

I say because I studied it.

Mr. Flaherty:

Are you an expert on water lines?

Michelle Madoff:

You better believe it.

Mr. Flaherty:

Well, I'm not and I need information before I vote for \$420,000. Just some basic information as to who is going to get the contract and how they

were selected and who selected them.

Michelle Madoff:

I want to support you completely because I introduced a bill before you ever got to Council that we should not be voting in a vacuum, that we ought to know who the company is and not just XYZ company but who the principles are behind the contract and if indeed a contract is being awarded to somebody the reason why it's being awarded. For example, do you ever get letters, I'm sure you do, saying the reason we've awarded something to somebody else even though they weren't the lowest bidder is because they couldn't give us the equipment and they didn't meet the specifications and I think you're absolutely right. We must have information and not vote in a vacuum. I'm only responding to Mr. Stone who once said I didn't know what page the Water Department was on when it was printed ten minutes before, but indeed, I do do my homework and in this particular area I do know what's going on and indeed it is going to be awarded to somebody. And you're right. That should be given to us before the contract is awarded. I agree with you. I agree with you.

The Chair:

I'll direct this question to Mr. Stone and perhaps Mr. Albert. Once these contracts are awarded, does Council still have to authorize the spending of these projects?

Mr. Stone:

We're authorizing them now for them to go out. This is the accepted practice. We authorize and they carry out.

Mr. Flaherty:

It's time the practice is changed because there's absolutely no controls over it once it leaves this Council's table. We're giving a carte blanche check to a director and God knows, he could give that to his brother-in-law, he could give that to anybody he wanted to and it would be completely legal. We are relinquishing our controls and our accountability on the matter.

Mr. Stone:

The Home Rule Charter so provides every four years there's an election of the Mayor and at that time, if you're successful, it changes. If you're no, it continues.

Michelle Madoff:

As long as we keep having coverage of these meetings and the media reports what goes on here factually, the people will vote as they see fit.

Mr. Givens:

I've had concerns in this particular area and I've voiced them over the years without anyone in Council wanting to enjoin me. I'm glad now that Mr. Flaherty has enjoined me in something that I want to resolve. However, in my personal investigation and to my committees that I've been charged with through you, Mr. President, I have not found any irregularities and my evaluation of the Home Rule Charter indicates that Council is to appropriate the money that the Administration has then to go into contractual agreements that this Council has forbidden to go into any contractual agreements. Third, that we have the Controller's Office of the City of Pittsburgh whose job in government it is to evaluate the work

that has been performed and to see that it's been carried out in the scope of work that the City so depicted in the arbitration.

I don't know these companies personally. They could pick XYZ company and I wouldn't know if the City of Pittsburgh is getting good, bad or indifferent. I think that's the Office of the Controller of the City of Pittsburgh who is invested with that responsibility to check up on these particular things. It's very difficult for us to judge these particular contracts. However, I feel we're going to have to get much deeper into government that what this Council has. In order to do that, I could envision having substantial more staff up here in order to check into this. And are we then not having duplication of effort between the City Finance Department, Eddie Albert and his job, going out and surveying as well as that of the Controller of the City of Pittsburgh. Until somebody gives me hard proven facts that the contracts that are awarded in the City of Pittsburgh are not being carried out according to the scope of work, then I would think that the given practice that we've had in the past years is one that has been acceptable, at least to me, and until something is proven differently I'd have to go along with that particular procedure. If an when it doesn't, then I think this Council should then take some appropriate measure.

With that, Mr. President, I vote aye.

The Chair:

If I may, Mr. Givens, one of the faults they find with the Controller's Office is that they're not paying the vendors or the contractors on time. The very reason is that they want to make sure that everything is carried out to the

letter. The contractors in some cases are being held up, I think, a lot longer than they should be.

Michelle Madoff:

I am going to vote aye on all bills with a warning that the next time a bill comes before Council without the staff of Council that we already have so we don't have to go out and hire anybody else, Mr. Givens, giving us the company without the principles, the bill will go back whether it is in Water or anything else. That is fair warning. The last time I will vote, and the reason I will vote for these is that I checked my own bills and I know who I'm dealing with. It's a bill that passed that we just forget about conveniently.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2415

Report of the Committee on Lands and Buildings for January 19, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2278

Resolution amending Item D of Resolution No. 1158, approved November 22, 1982 for the sale of vacant lot and 2 buildings on Larimer Avenue (12th Ward) to Chester Pirollo, for the sum of \$10,000.00. Resolution is to correct spelling of name of former owner.

Which was read.

Also,

Bill No. 2280

Resolution amending Item G of Resolution No. 1158, approved November 22, 1982, for the sale of a building and lot on S. Main Street (20th Ward) to Kenneth S. Kegley, for the sum of \$1,500.00. Amendment is to correct TDBV page number. Property designated as Block and Lot 19-D-234.

Which was read.

Also,

Bill No. 2281

Resolution amending Item K of Resolution No. 1158, approved November 22, 1982, for the sale of a house at 906 California Avenue (25th Ward) designated as Block and Lot 22-H-49, to Patricia Clyburn Berry, for the sum of \$1,000.00. Amendment is to correct name of former owners.

Which was read.

Also,

Bill No. 2282

A Resolution entitled, "Resolution repealing resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2283

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Michelle Madoff:

With reference to the bill that you're introducing to waive Rule 8 on Wednesday, if you take a look at today's list, there seems to be an inordinate number of City sales coming up. I don't know whether it's the result of my bill where they're putting the books out and they're putting it on television and we're getting better sales or whether part of it is people that are relinquishing their homes because they're unemployed. It would be interesting to know that. I wonder if Councilman Flaherty would look into that?

Mr. Flaherty:

Sure. No problem.

Michelle Madoff:

Thank you.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Flaherty presents

Bill No. 2416 WHEREAS, Congressmen Bill Coyne and Douglas Walgren and other members of Congress and church organizations have confirmed reports of the repression of the people of El Salvador by its Government which is responsible for the killing of 18,000 citizens of that country and three Maryknoll nuns and a lay worker from the United States; and

WHEREAS, the Government of El Salvador, aided and financed by the United States, denies the most basic democratic rights to the Salvadoran people; and

WHEREAS, the sending of aid and military advisers to the Salvadoran Government is hauntingly similar to the actions leading to the Vietnam War in which many of Pittsburgh's young people were killed; and

WHEREAS, the \$200 million given or planned to be given to the civilian-military junta in El Salvador which is used to aid the brutal repression of the people there should be used to provide social services and jobs in Pittsburgh and throughout the country.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby resolve that President Reagan's certification of human rights progress by the Government of El Salvador ignores the true conditions in that country. We urge Congress to reject Reagan's certification and to halt all U.S. military aid and intervention in El Salvador.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Flaherty:

Mr. President, I would just wish to give a very concise, brief reason for my introducing the resolution. As members of Council are possibly aware, today at noon in front of the City-County Building there was a protest of approximately 300 people who were joining as a group to urge Congress to attempt to revoke the certification that the President gave on Friday or certainly to cut back on the military aid that is now going to El Salvador. Currently there is \$25 million earmarked for El Salvador and it's important to keep in mind that these expenditures are earmarked strictly for the operation of the military and

President Reagan refuses to appropriate any funds which are certainly essential and needed there for the health and social well-being of El Salvador.

I know some members of Council may have the criticism as to what is the relevancy of the resolution in regard to the City of Pittsburgh. Quite a few other cities throughout the country, if you go to Baltimore, to Detroit, Chicago, San Francisco, their City Councils have offered similar resolutions and all this resolution is just enjoining with out local Congressmen from the area in expressing our opposition to the treachery and to the brutal repression of the people in El Salvador that is currently occurring. It is simply a statement of grass roots support. Simply one on quite a few issue that I think our current President needs.

In closing, I would just want to add that our former U.S. Ambassador to El Salvador, Robert White, who was replaced upon President Reagan's assuming office, he was Ambassador under President Carter, he called the current junta in El Salvador as one of the most out of control, violent, blood-thirsty groups of men in the world. I think it's important to keep in mind that we reflect the democratic principles that were in charge just a few years ago when President Carter refused to send one cent in military aid to the junta in El Salvador and I also would just want to add that this is certainly in step with the referendum question that Council had passed in relation to jobs with peace referendum. I have a copy of a resolution that was sent to Congress from the Allegheny County Labor Council which is also urging President Reagan to quit, in their words, throwing our money down the drain to a repressive brutal dictatorship and start to re-focus it on some of the serious problems that are affecting us here in the country.

Mr. Stones:

Mr. Flaherty, I would like to know whether you would have any objections to an addition to a small part at the end. You're indicating to halt all U.S. military aid and intervention and anyone who is a student of international politics knows that kind of cut-offs might be difficult but I'd like to make this suggestion. I think you might agree with it so let me try it.

"And to halt all U.S. military aid and intervention in El Salvador until such time that El Salvador becomes in compliance with respect in word and in deeds towards the human rights of its people."

Mr. Flaherty:

I certainly understand the proposed amendment, but that is exactly the core of contention. We are saying that now they are not in compliance with the establishment supposedly of approximately a half a year ago where they had free elections and now even our experts in the State Department are saying that those elections were so rigged and so exclusionary of all interested political parties in El Salvador and I think that amendment would actually water the entire essence of the resolution as to where the resolution is not saying anything.

I would hope that we would just be supportive of the democratic leadership in the U.S. Senate and the U.S. House which is adamantly opposed to any more infusion of military aid to El Salvador and I would hope that this Council would feel that we are in good hands in supporting them.

Mr. Stones:

Mr. Flaherty, just so you

understand where I'm coming from. In international politics, sometimes international politics make stranger bed partners than one might think. I didn't have any use for the government in Yugoslavia, the communist government, either but it was there and our United States Government tends to still deal with them even though they are communistic.

Aside from that, the alternative to no aid at all turns out giving the country to the communist government and I wonder whether that's in our best interest as well. What I'm only trying to do is, and I think that's basically what the idea everyone is attempting to do, and that is to monitor the situation so that at least they stay under our wing so that we can exert some pressures to make them comply. We need two things as I see it. We need control over it so we can do something about seeing the conditions improve. If we do not give the aid and we lose control and that government there turns elsewhere we not only lose the country but lose the ability to control. That's the light in which I was suggesting the amendment only. That's where I'm at, frankly.

Mr. Flaherty:

I think we could probably argue for days as to if the overwhelming populous of El Salvador is being aided and abetted by communistic sources. Once we had established if they were or not, even if they were then we'd have to argue the point of do we want to side with communists or do we want to side with fascists. That's another argument. I, myself, know who I would side with if it came down to that point. But I think we all know and I agree with you, Councilman Stone, that international relations are certainly much more complex than saying here is A and here is B.

So, I am sticking, as the author of the resolution, with the original intent and the language of the resolution.

Mr. Given:

Mr. President, I see the third whereas in here to me, as a Vietnam veteran, gives certain overtones that that particular war was not fought in such a way that it gave some type of a victory to those men who had fought in that particular war. I would like that to be removed from this. There is no similarity, as far as I'm concerned, between the Salvadoran government and that of the Vietnam government at the beginning of that particular conflict over there. May I remind everyone in this particular room that South Vietnam is now controlled by the communist party and no one dare raise any objections to what they have to say. Otherwise, they'd be put in a concentration camp and slaughtered as they have been done.

There's a similarity between this whereas, sending the aid and military advisor to the Salvadoran government and it's hauntingly similar to the action leading to the Vietnam War. I ask that that be removed from this resolution and I put that in the form of a motion.

Mr. Flaherty:

I believe that is a real rallying point as to why we should approve this resolution. I don't think there's anyone who wants another Vietnam War where we had 60,000 of this country's finest who went over there and had not returned and probably 100,000 more return not being the same as when they went over there. I think that it is hauntingly similar as to what is happening. Right now the U.S. government has 100 military advisors in Honduras to build up that country's army for use in El Salvador. It's starting

in a trickle fashion just as we did in Vietnam. It started out with a handful of advisors and then it went to a couple thousand troops as I'm sure you are aware of, Councilman Givens, as a veteran of the Vietnam War, and before we knew it, we were in a quagmire that we were very fortunate to get out of at all. I think there can be some very visible, very basic, similarities drawn between what is happening in Vietnam and what is happening in El Salvador. We shouldn't be condoning a government that is repressing the people, a government where two percent of the people own eighty percent of the land and they're keeping the people virtually penniless and I think it's criminal for this country to go ahead and stick by, and for this Council to support a ultra-conservative republic and administration who's sole and primary interest in foreign investments.

Michelle Madoff:

Mr. President, I have before me and I presume, Mr. Flaherty, you saw it earlier at the rally, a statement by professor John Beverley, Hispanic and Latin American Studies, University of Pittsburgh, and obviously he's done a lot of research and a lot of study and probably is, if anybody in this room, an expert.

I would like to submit his statement as part of the record and I'm not going to take the time of this Council to read all of it, but I would like to read a couple of lines from his statement.

(STATEMENT FROM PROF. BEVERLEY)

Statement on the Reagan
Certification for Aid
to El Salvador

Since 1979, our government has

sent over half a billion dollars, including over \$150 million in military aid, to the government of El Salvador. In the same period of time, there have been 30,000 political slayings in that country, according to the present U.S. Ambassador to El Salvador. To understand what this means, consider that El Salvador has a population of about 5 million. If the same percentage applied in the United States, it would mean that roughly one and a half million U.S. citizens would have been the victims of political assassination in the last three years. There is an equation here of dollars and death.

Last year, over the Reagan Administration's strenuous objections, Congress amended the El Salvador section of the Foreign Aid bill to stipulate that the President would have to certify human rights in El Salvador before the aid appropriated could be released. President Reagan issued the first such certification last July; this Friday he renewed his certification. In the words of the State Department report to Congress, "No major reverses were registered in the commitment of the government of El Salvador to the criteria of certification." This is a diplomatic way of saying that the murder, kidnapping and torture of the people of El Salvador continue. State Department spokesperson Thomas Enders noted, for example, that political assassinations have been reduced from an average of 800 a month to less than 200 a month. The Salvadoran Legal Aid society and human rights organization give a figure which is closer to 600 a month, not including "disappeared" persons. But even if Enders' figure is an accurate one, what does it mean for our government to be sending military aid to a regime that is killing 200 citizens a month. Would Reagan have argued that the Nazis were "making progress" on human rights violations because the

number of people sent to concentration camps decreased towards the end of World War II? Every morning mutilated and dismembered corpses appear along the streets and roads of El Salvador. That is the way the power elite in El Salvador "advertises" its commitment to human rights.

Congress was, in particular, concerned with progress in the investigation of the murder of two American trade unionists and the four American religious women in El Salvador. Yet Major Roberto D'Aubuisson, who has been directly implicated in these assassinations, presently sits as head of the Salvadoran Assembly. Is it any wonder that progress in bringing to justice those involved in these murders remains stonewalled? In addition, two American journalists and a woman working with a human rights organization have "disappeared" in El Salvador; and last October an American tourist, Michael Kline, was killed in cold blood by government security forces.

Elections were held in El Salvador last March, under the guns of the army and police. The opposition forces represented by the Democratic Revolutionary Front (headed by a former Vice President of the country), however, were effectively debarred from participating given the climate of fraud and violence which surrounded them. Congress asked President Reagan to certify also that the Salvadoran government was making "good faith efforts" to begin discussion with all major factions in the country which have publicly declared their willingness to find a political solution to the conflict. In October the opposition, including guerrilla Farabundo Marti Liberation Front, presented directly to the Salvadoran government a proposal for peace talks without pre-conditions; in tandem, the governments of Venezuela,

Mexico, France and the Pope offered themselves as mediators. The government of El Salvador has categorically rejected any dialogue with the opposition and any effort at international mediation.

We can only conclude that continued U.S. aid to El Salvador is making a bad situation worse, since the government there has no real incentive to change its ways.

Professor John Beverley
Hispanic and Latin American Studies
University of Pittsburgh

January 24, 1983

(END - STATEMENT FROM PROF.
BEVERLEY)

Michelle Madoff:

When somebody raised the issue of what has this got to do with Pittsburgh, Mr. Flaherty, one thing that we might point out is that \$25 million in military spending given to a brutal government could be better spent helping the needy and the unemployed youth of Pittsburgh. And I might add there is an analogy between Vietnam. Nobody said that the Vietnam men and women who were required to go and who volunteered as heroic people of our country didn't go to protect their country willingly or unwillingly. I was there at the reading of the names on the memorial in Washington and I cried as everybody else did as the last name was read. It was a very touching, very moving thing. The people who fought are not being condemned, it is the people who sent them into war that are being condemned and Councilman Flaherty is saying, "Let's not have it happen again", and I second that motion. I don't want to change one word of it.

Mr. Givens:

Mr. President, I'm going to abstain on this vote because of that third whereas that I asked to be removed. If Mr. Flaherty would know something about history as I have, actually lived it, the Vietnam people that asked for our assistance as early as 1956, we did not send anything over there to them until 1962. As Michelle Madoff said she cried, well, I cried in 1962 when my comrades in the outfit, the first air commando, that I had served with were the first people that were killed over there and many of them. I submit to you that if something is not done in Central and South America, if we do not aid them down there, we won't have to worry about Central America, South America, Mexico, we'll have them sitting on our border as we do down in Cuba today.

I submit to this Council that until you're briefed in the knowledge of what is happening and the internal affairs has been discussed here, it's an intricate, time-consuming, intelligence-gathering, and only the highest echelon of our government which we give trust in by voting them into that particular government, it's only these people that have a knowledge of what is happening in the internal affairs of all the countries throughout this world. We must give some faith and trust into these government officials that must execute their particular office that they are sworn by oath to uphold the Constitution of the United States of America.

For that reason, I leave it in their hands, the hands of our Congressmen who are briefed on these most delicate matters to make those final decisions and not this Council of the City of Pittsburgh that I would have to say even this individual Councilman who has served down in that particular area in El Salvador, who has very dear friends in El

Salvador, that knows the area and has lived in that particular area, I would have to say that even I do not know or am I privileged to what is going on down there and I put the trust of this country and what we are doing down there in the hands of our federal officials.

I abstain for the reason that I feel this Council is not knowledgeable of all the inputs and what makes a final decision and what happens in foreign countries in this world of ours.

Mr. Stoner:

I'm voting aye on the bill, I'd be less than fair. Sometimes when we say it the words don't mean anything, I think they do. And to go from one extreme to the other doesn't make the bill any better. I would hope that a little bit of wisdom had gone into this and that would be that we keep control so that we can do something about improving the condition.

I am for it but I would be for it stronger without any reservations if it had the additional language I suggested.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 7

NOES none

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Mr. Flaherty presents

Bill No. 2417 WHEREAS, the Pittsburgh Baseball Club was recently granted a new Three Rivers Stadium lease and relieved of valid obligations for maintenance and an estimated \$11 million worth of repairs; and

WHEREAS, the Pittsburgh Baseball Club sought a new stadium lease primarily based on its premise that it could not operate under the former lease and that the Club's value was such that it may be preferable to declare for bankruptcy; and

WHEREAS, within a few weeks of the new stadium lease's life, which provided great financial relief to the Baseball Club, the Pittsburgh Baseball Club sold approximately 48% of its corporate stock to the Warner Cable Company for an estimated \$6 million; and

WHEREAS, there is a strong presumption that the value of the Pittsburgh Baseball stock has increased in value by the assumption of the City taxpayers' new responsibility for the repair and maintenance debt consolidation and the financial infusion of an increased annual City subsidy; and

WHEREAS, the Pittsburgh Baseball Club and Warner Cable Company have reaped windfall benefits by the stock value increase.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh ask

that the Pittsburgh Baseball Club and Warner Amex Company voluntarily make a substantial contribution to the Stadium Authority in lieu of the corporate profits accrued at the expense of the good faith and credit of the Pittsburgh City taxpayers.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Flaherty:

Mr. President, my purpose for introducing the resolution comes on the heels, as I'm sure we are all aware, of the merger between the Pittsburgh Pirates and Warner Cable. I would have hoped for a public sensibility that they could have waited a little while longer. Where the new lease went into effect, I believe just a couple days prior to Christmas, and within approximately a three week period we have this very joyous marriage between Warner Cable and the Pittsburgh Pirate Baseball Company.

At the public hearing on the then proposed Stadium agreement, I had asked Dan Galbreath some questions in regard to the impact of cable TV, on the future financial condition and overall operation of the Pittsburgh Pirate Baseball Club. I must say that he sort of replied to me as if I were from Mars or something, and talking about some strange futuristic concept called cable TV. Needless to say, his reactions and his response was kept to a minimum and essentially said that cable TV will have no impact whatsoever on the Pirates and we have not even begun to delve into that opportunity and what its ramifications may be for our ball club.

I think its very important, I think common sense will tell any of us that,

especially keeping in mind that the Pirates were on the verge of bankruptcy under the old stadium agreement. They were in a position where bankruptcy was certainly a clear alternative that they may have to go if they did not receive a new pact. Well, I think it's very coincidental that as soon as the new pact the marriage is consummated, then we have the new child and that is Warner Cable and the Pirates getting together and starting a new family to say in regard to this.

I think it's also common sense that the City by giving a new financial infusion as far as annual subsidy increases to that stadium and by assuming the responsibilities for maintenance and the \$11 million worth of repairs that the Pirates were contractually responsible for but had not put a nickel into, that that certainly revitalized the financial shape of the Pittsburgh Pirate Ball Club and it goes without saying that it certainly revitalized and enhanced the value of their stock. I think Warner Cable probably was not interested in purchasing their stock when they had the baggage and the responsibility for maintenance and repairs of the Stadium and had a greater responsibility as far as subsidizing the Stadium as they do now where the Pittsburgh Pirates now are a free spirit, they're breathing free life and its the City taxpayer that has assumed more responsibility for this issue.

I think its imperative that someone in the government address this issue because it seems to me much too cozy, much too quiet that this happened. And I get calls from people. The public says, "What is happening here? We picked up the responsibility now Warner Cable is coming in and they have this great deal now with the Pirates." It comes down to common

sense that I would hope that the Pirates and Warner Cable also would make more public what the intricacies of this new stock transaction is and also let's just try to put it in perspective. If we build a house and we own a house, aren't we going to rent it if we choose to rent it? Aren't we going to rent it not for any sum than is less than what the mortgage of that house is going to be? I mean, aren't we going to try to utilize that rent money on that house to eventually pay for that house? The same principle should be in effect over at the Stadium. Now we're letting Warner Cable come into the Stadium, utilize a public site to make millions of dollars, and what are they paying to the public to come in and utilize that stadium? Who is to say that in ten years from now the Pirates can make a profit with two people in that stadium in attendance. It is certainly the wave of the future that professional sporting teams are going to be making their money from cable TV. But where we are tied in, where we have to return to and what we have to rely on to retire the debt service on that stadium, is public attendance. That's what we have to rely on. Public attendance. The Pirates don't have to worry about public attendance. They don't have to worry about that at all. Cable TV is much more important to them and will accrue more money to them than if they put two million people into that stadium annually for Pirate games.

The resolution is consciously broad and it is just putting the seed out there that the Pittsburgh Baseball Club and Warner Cable at least explore the possibility of making a substantial contribution to the Stadium Authority in view of the fact that we made the financial condition of the Pirates a little bit more rosier.

Mrs. Masloff:

Tom, you didn't make clear here. You know, the company that bought in was Warner Communication. They not only bought into the Pirates, they have American Express, they have other things. Another company is Warner Cable of Pittsburgh. Who are you talking about?

Mr. Flaherty:

I'm talking about Warner-Amex.

Mrs. Masloff:

Warner Communications.

Mr. Flaherty:

Warner-Amex is the national company.

Mrs. Masloff:

Warner Communications is the national company.

Mr. Flaherty:

Warner Communications Amex. The Amex comes in for American Express. It's Warner Cable and American Express. And they are the ones that are involved in the stock transaction. I am sorry for causing that confusion and I have no problem in saying where I have the Warner Cable Company that should read Warner-Amex.

Mrs. Masloff:

Warner Communications. Is that what you mean? How do we know that they've accrued profits? How do you know they will? If the Pirates don't have a good year, they might not.

Mr. Flaherty:

It's not depending on attendance. In a cable contract, you can --

Mrs. Masloff:

This is not a cable contract. This is a company that has a consortium that not only has cable but has all this as one big company. Warner Communications is a company that not only has cable, it has everything. They have many, many businesses. They're not dependent on the cable contract.

Mr. Flaherty:

Sophie, I am certainly aware of that but there has already been an agreement established where Warner Cable here is going to cablecast X number of Pirate games over the next five years for a fee of \$3.00 and now that I'm on this point, eventually, Warner Cable, just by virtue of having the contract here, I predict within a few years there will no longer be free broadcasting, public broadcasting, network broadcasting, of Pittsburgh Pirate games. Eventually, cable is going to come in and be the predominant telecommunications vehicle in the Pittsburgh area. They are going to be broad cablecasting Pirate games for a fee.

As far as the incidentals go, I have no problem on any amendment that you may want to offer to the bill, but I think the spirit of the bill, the intent of the bill, is to say three weeks after we give a new public financial infusion into the Pittsburgh Pirate Baseball Company, they go and they very happily engage in a major stock transaction with Warner Cable Company. What I think was the impetus for that stock transaction and what made that stock transaction most fruitful for Warner was the new stadium

agreement. I just think it's imperative that someone in the government, may it be the Mayor's Office, may it be City Council, that someone start asking some questions because we did put a larger responsibility on the City taxpayer in the stadium agreement.

It's a broad resolution. It's just asking for them to come public and to explore more the idea of perhaps making a contribution.

The Chair:

Taking the prerogative of the Chair, Mr. Flaherty, I could go along with your resolution in regards to the Pirates and Warner Cable making a contribution to the Stadium Authority. I think it's very much in line. But Mr. Flaherty, you talk about the day when there's nobody in the Stadium and the Pirates will be repaid by cable TV or whoever for the empty seats. I want to tell you something and this is before you were born and I don't mean to slight you. They talked about this back in 1949 and 1950. The very same thing. What happens someday when TV says, "Hey, we'll TV that place, the ball game. We don't care if there's any people, we'll pay for every empty seat." The management of the ball clubs at that time obviously said good. If we're going to be paid for 50,000 empty seats every game, that's the greatest thing that ever came down the pike. So, thirty some years later they're still talking about it. Someday it may become a reality. I would assume that the Pirates obviously would get their share if the seats were empty and it's being cabled or TV'd one way or the other. But also the City of Pittsburgh would demand their share as the owners of that stadium.

So, in regards to the City being short-changed, no, I don't think that's going to happen, if we ever get to the

day where they do TV all the ball games and pay for the empty seats.

Mr. Flaherty:

I just want to respond very briefly to that, Mr. President. The only avenue that the City has now to retire the debt service which cannot exceed \$1.8 million annually, that is tied to attendance at the game. Certainly the financial livelihood of the City is very dependent, as we are all aware, on the amusement tax that each person pays the ten percent amusement tax on each ticket and also on the parking tax and other nuisance taxes, miscellaneous fees that go along with any event that is at the Stadium.

What I am saying is that I am not aware now of Warner Cable who is going to broadcast the games of any agreement that they have with the City in paying the Stadium Authority or as the Public Authority for going in and utilizing our public site to make profits.

Mrs. Masloff:

What about the other stations that broadcast the games?

Mr. Flaherty:

They certainly are not as lucrative. What we are talking about now where the public is going to have to pay. Before private industries paid through commercials. Now there's going to be a direct cost to the viewer of the game. If you watch a game now on KDKA TV, you don't pay anything. Perhaps Iron City Brewery is paying for your viewing of it, but in the future there isn't going to be a third party that's paying. It's going to be the viewer directly.

Mrs. Masloff:

How do you know that?

Mr. Flaherty:

That's what's happening right now. There's an agreement right now where they're going to charge \$3.00 a game. I think in the first year it's going to be for 42 or 48 games. Right now they have a five year plan in existence.

The Chair:

Sophie, why don't you get a report from the Stadium Authority as to what protection we really have and if what Mr. Flaherty is saying is true and we're relying only on actual attendance, then obviously we have a problem if the place is empty and whether they pay for each seat to the Pirates or whatever. So, would you find out just what protection we have there and if we don't have that protection make sure we get it then get back to us.

Michelle Madoff:

Mr. President, I would like to substantiate that my office has also been getting many calls. I would like to give you some of the questions that are being asked of my office. I have been asked to hold a post agenda hearing and ask the following questions: In the contract between Warner and the City, did Warner agree to provide the coverage of City Council? If so, when and so on. In the post agenda, they are asking on the \$6 million the 48% of the stock, is the Club only worth \$15 million? They doubt it. How did they come up with the magic number of \$6 million? They think they need documentation, even if you have to do a disclosure subpoena, of how the figure was determined. They want to know the explanation of the cost, terms and conditions of the stock purchased by

Warner of the Pirates. I also understand the American Express refused, the division of Warner, American Express, refused to buy into this. I want that clarified.

Other people are asking questions like, explain the cost, terms, conditions of the stock purchased by Warner of the Pirates. When did preliminary negotiations take place? When did the idea first come into being and from whom? When did Warner and the Pirates first consider such a purchase and how did it affect these corporations actions? At the time of application of Warner for the City cable franchise, at the time of the renegotiations of the stadium agreement, at the time of Warner's request for a rate increase?

If the plans were in existence, why was it not the responsibility of the Pirates or Warner or the Administration to disclose such plans as they were ongoing to not only the City Council but to the public? If Warner is in need of a rate increase, where did capital come from, that was one of the big questions that is being asked on our telephone, to purchase the stock?

The Chair:

Michelle, you're opening up a whole new avenue. If you want to have a hearing, we'll have a hearing.

Michelle Madoff:

I'm only telling you the questions coming in. How is Council going to get the expertise necessary to make a statistical evaluation of this rate request by Warner.

The other thing is, I'm not going to read all of them, but the one that really bugs me is when are the community groups, the seventeen

community groups, going to start getting a percentage of the profits if they're going to start buying the Pirates and other things. That concerns me greatly.

Mrs. Masloff:

Community groups aren't supposed to get a profit. The community groups are supposed to participate.

Michelle Madoff:

The community groups were supposed to get a percentage of the profits when they had profits. And they'll never have profits if they go this route.

The Chair:

I don't know about the community groups, I know minority representation was supposed to get something.

Michelle Madoff:

That's right.

Mr. Stone:

Mr. President, if I may. I find a little bit of a danger in this kind of a resolution. As much as its been brought out by Michelle right now, pretty soon we want to know what a business corporation is doing. If there's one thing you ought to turn off any corporation in this time when you start looking to find out what they're doing and tell them how to run their business. But, we just talked about Parcel A and if all of you will recall, I think I was the single vote against the transfer of that property to U.S. Steel because, at that time, I thought of the tramatic effect it was going to have on all the people having to go around it. Nevertheless, we sold them a piece of property and there after this Council got involved. We went over and

met with J & L and some of the other companies relative to the efforts that they were going to do so that we kept steel here and we helped them with the oxygen furnaces and the electric furnaces and we were called in at the Carlton House to try to look at these problems and every time the corporations had their opportunity to do that they went out, at least U.S. Steel, they bought Parathon Oil and we were told that they were going to build a building and they did, and now they've sold the building. Nowhere along the line did anyone say, "Well, since you sold your stock or since you got cash for some of your debts so that you can accelerate payments, we want you to give a substantial contribution to the City of Pittsburgh.

In that sense, I think we're leading into a dangerous precedent. Somewhere along the line the issues have to be divided. We had our public hearing, we had our vote on the Three Rivers Stadium, that issue was resolved. We heard the plusses and the minuses and this Council voted that at that time there would be a take over of it. As far as the medallions are concerned, they've come in at fifteen, as I understand it, \$15 million. That's more than anyone anticipated. They were corporate contributions. None of them had to give the money. They gave the money. Maybe behind the scenes someone asked them to do it or pressured them or did something, but it's there.

As far as ability to get money, it's not soley from the attendents, it's also from the development of that particular area, a very vital right that we got back. As far as any subsequent arrangements, I don't know how your stock goes up when you sell a portion of it, and I think in this case, the Pirates have been saying somewhere along the line that they were heavily in debt and

they lost millions of dollars over the past couple of years and at this point there was nothing they gained in money. They still had their debt so they sold a piece of it, apparently to get some money. That doesn't increase their value, it just lowers their debt. But for us to say to them even before we ascertain a profit figure, you give a substantial contribution to the Stadium Authority, I wonder if that's in the best interest of the City of Pittsburgh. At least my answer is no and I think it's leading to a dangerous precedent.

Michelle Madoff:

I'm offended. Mr. President, I attended the advisory board meeting of cable, the first televised meeting, and to my surprise, I probably should have known it but I did not know, that Warner had the option to come to this Council for their rate increase in August. That would have been resolved before the elections. But no, they chose not to do that and now they're going to come in for a rate increase and I want to know how they can afford to negotiate and buy a Pirate contract to show Pirate games, where they got the money and yet come to us for a rate increase.

Mrs. Masloff:

It's two different companies.

Michelle Madoff:

It's not two different companies. They're two divisions of the same company.

Mr. Flaherty:

Mr. President, in response to what Councilman Stone has said, I agree with what he is saying about this Council should not be prying into the books of corporations and I don't think ever in the

past this Council had an interest into the prying into the books of corporation.

Incidentally, with this resolution, we are not prying into the books of corporation. The word is very clear, voluntarily, I have it included there. But I think that it is important to keep in mind that such as the U.S. Steel Building or any of the other examples that were used were not dependent upon an astronomical infusion of public funds. We are talking about a hearing which was a relatively short time ago, back in July, we're talking about a hearing that probably, as far as magnitude, was the major public policy issue that confronted the Mayor's Office and City Council for the year 1982. We are talking about an issue which has shown, I think, an acute lack of sensitivity in that here corporate powers come in, as soon as the marriage is consummated the come running in and they are going to reap profits, I think, very questionable as to did the public subsidy increase. More importantly, I go back to what I said earlier, Dan Galbreath refused to give this Council any shred of information as far as what his ball club's plans were as far as cable TV. And I think it's very naive for any of us to think that Warner and the Pittsburgh Pirates got together within three weeks after the new pact was consummated and they rushed through that twenty day period and now come up with a very complex, major, stock transaction. I venture to say that Mr. Galbreath had probably had his conversations with Warner Cable a couple years ago or shortly after they were awarded the cable contract. If he is a baseball owner worth his salt, which I think he certainly is, I think he's very shrewd financially, I'm sure that he was very seriously conveying the possibilities of cable TV, going back to what our President has said, to 1949.

The Chair:

In regards to a voluntary contribution, I will vote aye.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. DePasquale
	(Pres't)

AYES 4 NOES 2

(MRS. MASLOFF AND MR. STONE VOTING NO)

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the resolution was defeated.

The Chair:

I see that Mr. Doc Fielder, the astute Chairman of the 12th Ward, has been here all afternoon with the District Magistrate, Mr. Tibbs, and I think we ought to get to that resolution next.

Michelle Madoff:

I thought he was here to see us because we're so entertaining.

Mr. Robinson presented

Bill No. 2418 WHEREAS, the Council of the City of Pittsburgh has

committed itself at a public hearing in 1982 to act in a judicious and prudent manner to assist in the design and construction of a Multi-Purpose Recreational Facility in the Twelfth Ward of the City of Pittsburgh; and

WHEREAS, Council has indicated its desire to designate the Twelfth Ward Multi-Purpose Center Project as a part of some future bond issue and Capital Improvement Program in 1983; and

WHEREAS, there has been demonstrated community support for this effort by the CONCERNED CITIZENS of the Twelfth Ward and others.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does encourage and request that the Mayor and Capital Budget Review Committee; as well as the Director of Finance, include, identify and specify the proposed Twelfth Ward Multi-Purpose Recreational Facility Project in the first City of Pittsburgh bond issue for 1983.

Mr. Robinson moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Michelle Madoff:

Mr. Robinson, on the word encourage, I don't think it's strong enough. I think the people of this community are due their just rights and encourage is not a good word. We're going to go out for at least a \$30 million bond and it should be a priority. It should be mandatory priority before other monies are spent. And if not mandatory, certainly priority.

Mr. Robinson:

If I might respond, Mr. President, the reason the word encourage is used is that this is consistent, my posture on this Council for the last five years, trying to work in a cooperative spirit with members of Council and the Administration. I think we should always give the Administration an opportunity to respond to our request. I don't think there is any doubt in anyone's mind that the Administration has struggled with the project for some time and has forwarded to Council their honest evaluation of its present status. Certainly when the bond issue, the first bond issue for 1983 goes out, this Council has to approve it, it will not be approved without our votes. And I would hope that between now and June, which is the projected date for the next bond issue, that the Administration will take serious our commitment to the people in the 12th Ward to build that multi-purpose center. They will do everything they can on their end to make sure that when we get the documents identifying those projects for that bond issue, that the multi-purpose center in the 12th Ward is in there. If it is not in there, then I will use a stronger word and I will attempt to get stronger legislation. But I think until we have closed off all possibility that the Administration will cooperate with us, we should still try to encourage them.

The Chair:

Mr. Robinson, what is the earliest date that we can get some assurance from the Administration that they're going to install that recreational facility?

Mr. Robinson:

What we probably would have to do is get some clarification from the Administration relative to the memo that Mrs. Brown, our Director of Parks

and Recreation, sent to us indicating that the Mayor felt that at that time he didn't think the facility could be designed or built, but that at a later date it would be re-assessed. We probably need to get some clarification from both the Mayor and Mr. Matter, Mr. Matter is the Chairperson with the Capital Budget Youth Committee, as to when they will review this matter and if they would be kind enough to review it prior to submitting any legislation for the first bond issue in 1983 so that we will be advised in advance as to what their stand is on this multi-purpose center.

The Chair:

Mr. Robinson, you are aware that there is a hearing scheduled February 24?

Mr. Robinson:

Yes.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Mr. Robinson presented

Bill No. 2419 WHEREAS, the severe economic conditions which exist in the United States of America are impacting unfavorably on all segments of the economy; and

WHEREAS, Government officials at all levels are earnestly attempting to find remedies; and

WHEREAS, one segment of the populace which is adversely affected is property and homeowners; and

WHEREAS, in Allegheny County Sheriff Eugene Coon and Judge Nicholas Papadakos have attempted to postpone mortgage foreclosures on homeowners; and

WHEREAS, the Federal and State Government are confronted with numerous requests for mortgage payment assistance; and

WHEREAS, at the State and Federal levels of Government legislation has been drafted to provide relief to veterans and conventional mortgage holders.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens do recognize and support the study recently concluded by Action Housing, Incorporated relative to the mortgage foreclosures and housing financing issues in our community.

BE IT FURTHER RESOLVED, that the Council and the Mayor strongly support the Emergency Mortgage Relief Act recently introduced into the Congress of the United States of America.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Robinson:

Mr. President, I just have one other concern. I did receive a letter from Mr. Brophy, Director of our Urban Redevelopment Authority, concerning the Convention Center Hotel Project. Council had requested that Mr. Brophy forward to us confirmation that the developers could, in fact, develop the land and the hotel and that the Federal Government through the UDAG Program would help finance it. Mr. Brophy has forwarded a letter with some timetables and I would like to have a copy of this letter included in the public record.

(LETTER FROM URA - 1/24/83)

January 24, 1983

Councilman Wm. Russell Robinson
City Council
510 City-County Building
Pittsburgh, PA 15219

Dear Councilman Robinson:

This letter is to give you an update on the status of the Grant-Liberty Hotel, as reported to the Board of the Urban Redevelopment Authority on January 20, 1983.

Three issues are to be resolved by March 31, 1983 for this hotel-office complex to proceed further.

First, staff of the URA and members of the Grant-Liberty development team are now in discussion with HUD's UDAG office in Washington concerning the nature of the security instrument to govern payback provisions of the UDAG loan to the developers.

These very technical discussions should reach a conclusive point by the end of January.

Second, assuming the issue of the security instrument is resolved favorably, Grant-Liberty will pay a \$500,000 commitment application fee to Metropolitan Life Insurance so that the formal processing for the Metropolitan's debt and equity financing can be concluded.

Third, assuming Metropolitan formally commits in writing to finance the complex, the documentation to this effect will be submitted to HUD so that HUD staff can decide by March 31, 1983 as to whether the UDAG being requested will be granted.

I am hopeful that all three matters will be resolved favorably and within the timeframe described above.

If you have any questions on this status report, please do not hesitate to call me, or, in my absence, Joseph Gariti, URA General Counsel.

Sincerely,

Paul C. Brophy
Executive Director

PCB:lam

cc: Brooks Robinson

(END - LETTER)

One other thing on this matter, if I might. We have requested that Mr. Brophy have a signed agreement by March 31, 1983 with the developers and some kind of written assurance that the UDAG funding will be forthcoming by April 10. If Mr. Brophy does not have that material for us, something in writing, I will introduce legislation to

terminate the agreement between Grant-Liberty Associates and Urban Redevelopment Authority and to also terminate our agreement with Urban Redevelopment Authority to develop the specific parcel of land in question.

The Chair:

Roll call vote on the resolution.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Michelle Madoff moved to excuse Mr. Woods for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. O'Malley moved to approve the minutes of Monday, January 10, 1983 and Monday, January 17, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, January 31, 1983

No. 5

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, January 31, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty:

I'm honored today to present a resolution honoring Bev Smith who, unfortunately, is not able to be here today, but I'm sure that a lot of you are

aware that she is going on to greater endeavors in Miami, Florida.

This past Saturday, they had a full capacity at the Ebenezer Church honoring Bev and I had the opportunity there to present the resolution and I had predicted that it will be unanimously and enthusiastically adopted by Council. I know that Council President DePasquale and Councilman William Robinson were present at the Ebenezer Church and I'm sure that they will attest to how moving and how humane the entire afternoon was.

Mr. Flaherty presented

Bill No. 2445 WHEREAS, Ms. Beverly Sloan Smith, a life long resident of Pittsburgh, has touched so many people's lives in so many beautiful ways and has contributed to making Pittsburgh indeed someplace special; and

WHEREAS, Bev has had a distinguished and honored media career, and promoted professionalism in her field, as a Consumer Affairs Editor for five years with WPXI-TV, three years with WAMO and since 1979 has had her own show on KDKA Radio and Television; and

WHEREAS, Bev by popular acclaim has the most melodious voice in Pittsburgh media history; and

WHEREAS, she has given unselfishly of herself in the field of public service as Director of Consumer Affairs for Allegheny County and has

reached out to the children of the City by designing and teaching a program for the Pittsburgh Public Schools which aided the underachiever; and

WHEREAS, she was active in charitable institutions and organizations such as the National Conference of Christians and Jews and has received numerous Public Service Awards marking her as an outstanding woman.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh extend our sincerest thanks to Bev Smith for her humane works, as we will greatly miss her vibrant personality.

BE IT FURTHER RESOLVED, that Bev have continued success in her Miami endeavors and hope that she will continue to grace Pittsburgh with not too many infrequent visits.

Mr. Flaherty moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Bev Smith and I have been personal friends for many years. I had hoped that some day she would be running for City Council. I am very sad that she is leaving us. She is leaving because she needs to earn a living and she's been offered a better job. I believe she's going to Florida, it will be there gain and our loss and I hope some day she comes back and becomes a permanent resident of this City. That's a very, very special lady. I have seen Bev Smith fill up a church with people hanging from the rafters on public issues. She's probably one of the most unique women in this

community.

Mr. Robinson:

Mr. President, if I might add a few kind words to those that Mrs. Madoff has added. I've known Bev Smith for 25 years. I had the occasion to grow up with her in this City and to share many moments with her. I am indeed pleased to move for adoption on this Resolution because I think certainly she is deserving. Unfortunately, she was unable to do the many things that she can do in our community but she has left us a great legacy of service.

At the service at Ebenezer this past Saturday, I indicated that in the first book of Corinthians, 13th Chapter which has 13 verses, that all of us are reminded that faith, hope and charity are three things that we should always be concerned about. Of course, the greatest of these is charity. I think Bev Smith gave of herself in a charitable fashion without asking for reward or any kind of recognition, and that certainly her faith in God and her faith that all things are possible if you only believe has carried her to this new height.

I think this City will miss her and hope that she will come back on many occasions to share with us again her charity.

The Chair:

I'll only add that I was there, as Mr. Flaherty said, along with Mr. Robinson and it was moving and there was a tremendous crowd there and it was a very nice affair and we're all sad to see Bev leave town.

Michelle Madoff:

Excuse me, Mr. Perry, point of clarification. I asked you to submit this

last week and you wanted to hold it for this week and it was going to be a joint bill.

Mr. Perry:

Mr. O'Malley requested that this resolution be submitted today.

Michelle Madoff:

And I requested it for last week but that's okay. As long as it's done, that's the important thing.

Mr. O'Malley:

I'd like to have Officer Cianca step up here. I think everybody is familiar with Officer Cianca. He's been a Pittsburgh personality certainly for as long as I can remember and also became a national personality.

My father has been a police officer for 37 years and also just recently retired. He retired in August. He had the opportunity to work with Vic a number of years ago and he has the highest regards for him, not only as a police officer but as a man. Myself, I'm sure along with thousands of other Pittsburghers and Mrs. Madoff and all my Council colleagues, are certainly going to miss Vic when he retires.

Mr. O'Malley presented

Bill No. 2446 WHEREAS, on January 31, 1983, Pittsburgh Police Officer Vic Cianca will retire from service as an employee of the City of Pittsburgh; and

WHEREAS, Officer Cianca has served the City of Pittsburgh in an outstanding manner for 31 years; and

WHEREAS, Officer Cianca's sense of public dedication and overwhelming

pride in his work has brought favorable attention unto the City of Pittsburgh and its police members.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh hereby recognize and thank Officer (Mr.) Cianca for his 31 years of outstanding service and dedication to the City of Pittsburgh and wish him a rich and happy retirement.

Mr. O'Malley moved to approve the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. O'Malley:

Vic, would you like to say a few words?

Officer Cianca:

I want to thank the Mayor and members of Council and all the friends here. It's very sad that I'm leaving. I don't think I ever disgraced the City Administration, my uniform or myself. I can hardly realize it, but I'll realize it tomorrow when I get up and go to put my uniform on and know that I'm no longer a cop.

Michelle Madoff:

You know, something that ought to be on the record is that this is the Tuscanini of Traffic.

Mr. Stone:

Mr. President, if I may, it's customary for us to honor people who do things in the City of Pittsburgh and too often we don't honor those who are

members of the City of Pittsburgh such as our employees. I want to commend Councilman O'Malley for taking time to honor one of our own, one of Pittsburgh's finest, Vic Cianca. He's been with us, obviously, many years and he has brought to the City of Pittsburgh that which we all say, Pittsburgh is something special. He's brought national attention to the City of Pittsburgh by virtue of the manner in which he has conducted traffic and I don't know that anyone on those corners who have passed over these many years with him who didn't understand his directions.

Nevertheless, somehow I'm told that some of those indications were not the kind you find in books and that at one point had caused some question of whether or not he should appear on some TV program. But, as I stated earlier, that wasn't in the book but it was his way of communicating with people who he met on a daily basis, thousands upon thousands in a day.

Like the City, it's unique and so is he. And I think we in the City of Pittsburgh ought to be grateful for the uniqueness of Mr. Vic Cianca. If sometimes he deviated from the book, he did it in our best interest but I think as well he did one other thing that is probably unique and that is that I know of no man who has done it with as much love as he has done. If that's what it takes, then we need more and it's quite obvious that he feels it strongly and coming to the end of that program for him is one that he's feeling very strongly and this is about the third or fourth time that I've talked to him, but I know that he feels deeply. But let him know that from all of us in the City of Pittsburgh there will always be a warm spot for his service and dedication and that unique way of handling us as we traveled past, either walking or riding, on those street corners.

Thank you, Vic, very much.

The Chair:

On behalf of the Chair, I doubt if anybody other than the Pittsburgh Steelers has brought more fame to the City of Pittsburgh. People all over the country know Vic and obviously know his association with the City in his traffic duties.

Vic, you've certainly been a credit to this town and we're going to miss you, believe me. Thank you.

Mr. Robinson:

Mr. President, members of Council and guests, it's a great pleasure for me today to introduce a resolution that I think represents much of what I believe in and I think much of what the City is all about and hopefully what this Country is all about.

The resolution I want to introduce today is a resolution to put this Council on record as supporting the new Equal Rights Amendment which has been introduced into the House of Representatives and into the Senate of the United States as House Bill 1 and Senate Bill 1. To my knowledge, this is the first Council across this Country that will be considering such a resolution and I do this with full recognition that this Council has always been in the forefront of the equal rights effort, we've always been in the forefront of providing opportunities to women and it would seem to me that now is a fitting time for us to let the people across this country know and let the women of the City know that this Council still stands foresquare behind them.

With us today are Ms. Phyllis Wetherby who is the President of the First Pittsburgh Chapter of the National

Organization of Women, Ms. Helene Torpey who is the President of the Squirrel Hill Chapter of the National Organization of Women, Mr. David Hauser who is the Secretary of the First Pittsburgh Chapter of the National Organization of Women and Mrs. Kathleen Wilson who is the Co-President of the East End Chapter of the National Organization of Women.

If Ms. Wetherby would come forward to accept this resolution, I'd like to read it and hopefully it will be adopted and if she has a few kind words to share with us. As she comes forward, I'd like to say that for those of you who are unaware, the original Equal Rights Amendment was not passed but because of many courageous men and women it has been re-introduced into the Congress and will be acted upon again very soon. And I would encourage those of you who believe in equality and justice for all people that you would do what you can to impress upon the President, our Legislators and our Senators, the necessity of passing the Equal Rights Amendment.

Mr. Robinson presented

Bill No. 2447 WHEREAS, the Council of the City of Pittsburgh has by previous Resolution supported the passage of the Equal Rights Amendment; and

WHEREAS, the Council of the City of Pittsburgh has by previous Resolution supported the extension of the time required to ratify the Equal Rights Amendment; and

WHEREAS, the United States Congress has before it House Bill 1, which calls for the enactment of the new Equal Rights Amendment.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizen's does support enactment of House Bill 1 and reaffirms its commitment to equal rights for women.

BE IT FURTHER RESOLVED, that the Council and the Mayor strongly encourage the members of Congress from Western Pennsylvania to support and work for passage of House Bill 1.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Robinson:

I'd also like to indicate that I would hope if this is passed that we would also send a copy of this resolution to the President of the United States, to our U.S. Senators, to our Representatives in Congress from Western Pennsylvania, to our Governor and to our Senators and Legislators from Western Pennsylvania to let them know that Pittsburgh City Council and the City of Pittsburgh is going to be in the forefront once more to make sure that everyone in this Country has equal rights.

Mr. Given:

Bill, on this House Bill No. 1, I haven't seen a copy of that particular bill. Does that bill address that of what the Democratic platform has given for women's rights?

Mr. Robinson:

House Bill 1 is basically the same Equal Rights Amendment that's been supported by N.O.W. and it is basically the bill that is supported by the Democratic party.

Mr. Givens:

I'm going to abstain and the grounds that I'm abstaining on is the fact that I have not seen House Bill 1. I can only assume that Bill is telling me right here and some of the other actions that these particular groups reflect here are not the reflections that I have on certain of the equal rights movement for women within this country. I have to so express that right now.

So, because of that, primarily, because I've not seen House Bill No. 1, I have seen and read through and agree with the Democratic party's platform. In fact, I was at the mini-convention and voted as a delegate in that particular process. You're indicating that they're one and the same and if that's the case, fine. If not, then I'd have to refrain and that's why I'm abstaining.

Michelle Madoff:

I can't believe that anyone would not vote for equal rights for all people and I would also like to suggest that the four members representing various groups, I think I'm a member of either one or two of the groups, Squirrel Hill and the Downtown member, would you please submit to the Women's Political Caucus and work with them, names of women who are outstanding women in the community? We are honoring Pittsburgh women once a month. Last month, as you know, we honored Officer Rocco. And if you give us names — I don't want it to be Michelle Madoff's award, I don't want it to be a Women's Political Caucus award, but I'd like it to be a woman's award of all input from both women and men who care about women who are doing things in the City.

I would like to just point something out that's very important and I hope you will address it when you speak

to us. It has come to the attention to the leadership of our country that there are more people who vote, who are registered voters, who are women. More registered voters who are women who vote. I know I got elected because women finally decided to support women whether they had shared their viewpoints or not, thinking even sometimes the worst woman can certainly be as good as some of the men who are serving in Council or in other offices. And I would hope that there would be a concerted effort from all the groups to try to get some more women into this Council. And there's another woman running.

Mrs. Masloff:

I am voting aye, of course, but I thought that Pennsylvania has already supported this. Hasn't Pennsylvania been supporting this?

Ms. Wetherby:

That's right, but we're back to ground zero again.

Mr. O'Malley:

I've read House Bill 1 and I certainly support equal rights for all people. I vote aye.

The Chair:

Is there any discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson
Mr. Stone

Mrs. Masloff
Mr. O'Malley

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Ms. Wetherby:

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

This resolution has been before the Congress and the United States since, I think, three years after we got the vote, 1923. All I have been working for for the past twelve years is constitutional representation which comes to every man in this country when he is born.

Yes, Michelle, there are many women more qualified than men to serve in this Council. More qualified than some men. I cannot support a woman who denies women's rights. That is beyond my ability nor my ability to persuade members of the chapter that have elected me to support. We are going to support feminists. We certainly are going to support women. There is no question about that. But, given the choice, you know, Millicent Fenwick, after New Jersey NOW endorsed Lauderberg, called up and said she understood and please send her member blank. So the thing about it is that Millicent Fenwick voted for the House leadership that included Jesse Helms and she understood why she could not be endorsed. So that when there is a party as the Democratic Party did that fully supports equal rights for women and a

party which denies it as the Republican Party did, in fact, we do have choice and we do make that choice. Now in Western Pennsylvania there are people in both parties. This can be non-partisan as well as non-biased on the basis of sex election this time. But it is clear to me that in all of our legislative bodies, from the City Council to the State House to the Congress, women are not represented in Pennsylvania and there is no question that there are many, many qualified women out there. There are also feminist men and we are not simply going to support women because they are women. We have also been denied by women many, many times.

But that simple resolution is what we're asking for. It's a beginning. It just means that I'm a full American if we ever get it passed. So far the State Legislatures have shamed themselves. We have not lost, the country has lost. We will eventually have full equality for all citizens of the United States.

I want you to understand, and this is why I asked my friends and my colleagues to come up with me, that I cannot accept this as being an award to me or to my chapter of the National Organization for Women. That little preposition is really important. It's an organization for women not of women. And everybody in this room can belong if they support our issues.

I want, again, to introduce Helene Torpey who has been with us in this action for about four years. She's President now of Squirrel Hill N.O.W. Kathleen Wilson has been in this almost as long as I have. In fact, in 1972 when I was shoved off to Brazil because we were getting too close, Kathleen took over as President of First Pittsburgh N.O.W. David Hauser came to us about two years ago when the countdown campaign began and he's secretary of

First Pittsburgh N.O.W. Kathleen is Co-President of East End N.O.W. There are eight N.O.W. chapters in the immediate vicinity, at least four of them have a significant number of members in the City of Pittsburgh and we are certainly interested in politics. In fact, I was one of the first co-conveners of the Women's Political Caucus. But we came back to N.O.W. because, in fact, we do feel that it's important to support feminists because they are feminists. So, we do, in fact, support feminists, people who support the Equal Rights Amendment.

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Thank you.

Michelle Madoff:

May I suggest, with the number of members that you have, that you start monitoring this Council and other legislative bodies by just having one person each session, at every meeting, because I don't know what's going to be on our cablevision. It was my motion to cablevision on the government station what goes on here. I'm afraid that we're going to keep the gut of the meetings out of the cable so that you can't watch it in the evening. I would like very much for you to watch and I would also like to go over the records with you. They are transcripts that are available to you to show you why people here are voting yes for you today. On occasions when their vote had to be counted, they did not vote with you and I'd like to show you who they were and what the issues were.

Mr. Givens:

I would just like to add to that, if I might, that as far as equal rights for women I have no problem. But some of

the organizations that are represented here today and their stand on the abortion issue, and that's one of the major issues that will come up in this equal rights movement for the women, that I stand, and I stand here today, for the rights of those unborn children. And I think that's the bottom line as to what's going to happen. When you piggy-back those types of issues —

The Chair:

If I may, Mr. Givens, we're getting a little afieled. Let's not get into the abortion issue. I understand your feelings.

Mr. Givens:

I'm giving my point loud and clear. Michelle knows that when she has these people here —

Michelle Madoff:

Michelle didn't have these people here. Michelle didn't know these people were going to be here but she welcomes them here.

Mr. Givens:

She want them monitoring and I suggest that the other side will be monitoring also.

Mr. Flaherty presented

No. 2420 Resolution providing for a contract or contracts or use of existing contracts in connection with Renovations of Various Public Buildings at a cost not to exceed \$50,000.00; chargeable to and payable from Capital Project LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Department of Lands and Buildings.

Also,

No. 2421 Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 24 K, Lot 145, to the Pennsylvania Department of Transportation for the sum of \$6,800.00.

Which were read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2422 Resolution providing for an Agreement granting to J.J. Gumberg the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by J.J. Gumberg in the 17th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 2423 Resolution repealing Resolution No. 1091, approved October 25, 1982, effective November 5, 1982, entitled, "Providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Forty Two Thousand Seven Hundred Thirty Three Dollars and Seventy Five Cents (\$42,733.75) in payment for the City's share of construction and inspection costs in connection with the Forbes Avenue Construction, Agreement No. 69037A; and providing for the payment from Code Account PW 82-30.

Also,

No. 2424 Resolution repealing Resolution No. 1093, approved October 25, 1982, effective November 5, 1982, entitled, "Providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of

\$6,084.33 in payment for the City's share of inspection costs in connection with the Forbes Avenue - Brady Street Project, Agreement No. 52599; and providing for the payment thereof."

Which were read and referred to the Committee on Finance.

Michelle Madoff presented

No. 2425 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment for two magnetic gate and curb box locaters at a cost not to exceed \$345.00, payable from Code Account No. 1705.

Also,

No. 2426 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment for installation of three pumps at the Highland Pumping Station at a cost not to exceed \$6,000.00, payable from Capital Budget Account No. WD-82-02.

Also,

No. 2427 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment of \$1,738.50 to the Conrail Railroad Company as an annual assessment for a sidetrack installation at the Water Treatment Plant, payable from Code Account No. 1701.

Also,

No. 2428 Communication from Richard M. Cosentino, Director, Department of Water, requesting permission to have A.R. Tasir Wahlah, Director of Engineering, John A. Stahoviak, Supt. of Distribution and John

M. Hanna, Engineer, Department of Water, to attend the AWWA Water Loss Reduction Seminar to be held in the Greentree Holiday Inn on February 10, 1983, and use of City vehicle. Cost not to exceed \$450.00, and funds are available in Code Account No. 1701.

Also,

No. 2429 Resolution amending Resolution No. 433, approved 5/1/81, providing for an agreement or agreements for professional services for design of water line installation in Saline Street and Boundary Street, by correcting the appropriation from \$100,000.00 to \$65,000.00, as per Resolution No. 872 (8/16/82).

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2430 Resolution authorizing the issuance of a warrant in favor of Ralph Plumbing and Heating Co., Inc. in the amount of \$630.00 in payment for work performed at Paulson Avenue Swimming Pool, furnished for the benefit of the City without previous authority of law; chargeable to and payable from Project Code CSPTF, Community Swimming Pools Trust Fund in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 2431 Communication from Louise R. Brown, Director of Parks and Recreation, requesting permission for Charles Senft to attend the annual Amateur Silver Belt Boxing Tournament in Weirton, West Virginia on January 28, 1983 and also on February 4, 1983. No cost will be incurred to the City.

Also,

No. 2432 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting for Kenneth E. Lindsey, Program Coordinator I, of the City of Pittsburgh, Department of Parks and Recreation, to travel to Meadville, PA on Friday, February 11, 1983, thru February 13, 1983, to attend the Western Section Volleyball Tournament of the Pennsylvania Special Olympics. Mr. Lindsey will attend as one of the coaches for the City of Pittsburgh/Allegheny County Special Olympics-Area E Team. Expenses are being paid by the Allegheny County Special Olympic Program.

Which were read and referred to the Committee on Parks and Recreation.

Mr. Stone presented

No. 2433 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 1, Levy & Rate on land and buildings, by correcting the amount due upon each one-hundred dollars of the assessed valuation on land and buildings.

Also,

No. 2434 Resolution providing additional benefits to beneficiaries of the City of Pittsburgh Policemen's Relief and Pension Fund, Firemen's Relief and Pension Fund, and Municipal Pension Fund who retired prior to January 1, 1983. Payable respectively from Code Account Nos. 55, Policemen's Relief and Pension Fund; 56 Firemen's Relief and Pension Fund; and 58 Municipal Pension Fund-Old.

Which were read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2435 Resolution providing for the issuance of a warrant to Russell C. Coates, in the amount of \$35,000.00 in full settlement of claim for personal injury, arising from a collision between a train and City vehicle, near Sixth Street. Payable from Code Account 46, Judgments.

Also,

No. 2436 Resolution providing for the issuance of a warrant to the University Health Center of Pittsburgh, c/o Louis J. Krzemien, Jr. Esq., Two Chatham Center, 15th Floor, Pittsburgh, PA 15219, in the amount of \$4,236.40, in full settlement of claim for property damage at Lothrop Terrace and Darragh Street.

Also,

No. 2437 Resolution carrying over balances or portions thereof remaining in certain code accounts for the year 1982 to the same code accounts for the year 1983.

Also,

No. 2438 Communication from Ronald C. Schmeiser, Director of Finance, requesting permission for Stephen Schillo to attend a conference on Mandatory Bond Registration in Atlanta, Georgia on March 17, 1983, at a

cost not to exceed \$700.00, payable from Code Account No. 1063.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone moved to suspend Rule 8 providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Stone presented

Bill No. 2439

Report of the Committee on Finance for January 26, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2310

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of William M. Mercer, Incorporated, in the amount of \$4,200.00 for special actuarial services rendered in connection with the City of Pittsburgh Pension Funds."

Which was read.

Mr. Flaherty:

I'm voting no on Bill 2310 which grants a warrant in favor of the William

M. Mercer, Inc. for an actuarial service that they had provided for the Treasurer's Office. I believe we have the expertise in the Treasurer's Office right now to do this and I feel that it's a waste of taxpayers' dollars once again to go out on a non-competitive consulting fee.

Mr. Givens:

I'd like my remarks on Bill 2310 to be brought forward and I disagree with Mr. Flaherty. He has to understand that the actuarials is quite an art and people have specialized training that they go into and they're forecasting what our liability will be in future years and we need the best expert advice. Our people are treasures, they're financiers but they are not in the actuarial business. I wish they were, but they are not.

(BEGINNING - MR. GIVENS REMARKS - BILL NO. 2310 - 1/26/83)

Mr. Givens:

I just have one question, especially about the pension, and going back to last October and November when this was presented to Council and seeing that chart they gave us where by the year 1995 or something like that where some \$30 million will have to come from the local treasury into supporting the pension. That is the peak period, and they gradually built up on that. If this report has anything to do with that, I would submit that each Council, that each budget pay an equal share henceforth from this year all the way until the pension plan is in a sound actuarial shape.

What we are doing here is depicted on that particular graph that was given to Council. We start off this year with about \$100,000, \$200,000 and work up in the year 1995 to almost \$30 million, and that is today's dollars; so we

would have to assume, with any normal inflation, that that could be up to \$60 million, \$70 million. Now, could you imagine just today if we would take \$30 million out of our income what we would have to do to the people of the City of Pittsburgh? Each year this will continue to increase, but it doesn't increase in proportionate shares. I think if government is going to be truthful with the people out there, that each budget session we should give a proportionate share to reduce that down in 30 equal payments or how many payments we have to do in order to get it down to an actuarially sound pension system.

Now, is this particular piece of legislation going to address that particular issue?

Mr. Schmeiser:

No, this \$4,200 isn't for that study. This is just for our labor negotiations.

Let me point out that that \$30 million is not in today's dollars; it's in future dollars.

Mr. Givens:

Could you then relay my concerns to the actuarials so when they come up here next October and November and they give us \$200,000 for the year 1984 and still another \$30 million for 1985, I'm not going to buy it; and I would say go back and ask them to do it over again, equal payments.

Mr. Schmeiser:

That is what the other fund is for where we put in \$1.3 million. We put it in every year to even that up.

Mr. Givens:

Will it be \$1.3 million each year?

Mr. Schmeiser:

That is what we are hoping, or increase it.

(END - MR. GIVENS REMARKS - BILL NO. 2310 - 1/26/83)

Michelle Madoff:

I am voting no on Bill 2310 and since this last meeting was not televised, I think while Mr. Givens' comments will be brought forward, I'd like to explain why I am not voting for \$4,200 expenditures for an actuarial report.

Number one, they're available almost gratis from almost every insurance company. Once we've done one and we do deem it necessary to pay for one, it is a matter of updating it each year, just how many people have left by attrition or how many people are being hired. And I think this is just a plum for somebody and I think this goes back to the issue, not only of my bill, Mr. Robinson, my voting no on 2310, but on your bill, sir, of 2411. This Council has monies available to it, I think it's \$50,000

The Chair:

Michelle, what you said Wednesday is a matter for the record. You're getting off the field. Are you voting aye or no?

Michelle Madoff:

I am addressing the bill. I may speak on the bill, according to Robert's Rules, for five minutes twice. Robert's Rules. I have not used up ten minutes, I have not even used up five minutes. And

if you didn't interrupt me I'd be through sooner.

We have a fund set aside for hiring advisors in the form of supposedly attorneys. And as Mr. Flaherty said, one attorney's opinion can be as valid as another or as any member of this Council. But in order for someone to get that advice, it used to be that you could go to the President of Council, as I have in the past, and say, "Mr. DePasquale, may I hire someone to address an issue?", and generally he will say yes. Now it appears we have to get five votes from members of Council. The chances of my getting five votes out of this Council, unless it's an issue for the public and it isn't going to put this Council in a bad light, is about as much chance as we're going to have seventy-five degree weather today.

And that gets back to the issue on both of these bills - that this Council is the legislative body. We're the same as the Congress or we're the same as the House in Harrisburg. And we do not, we do not, have a fiscal advisor. We do not have anybody to advise us whether that \$4,200 could have been saved or whether it was necessary. We don't know whether we're going to be looking at some rate increases for Warner, whether we are equipped to make rate structure opinions. And I think that until we get a fiscal advisor for this Council, the public is being cheated.

Mr. O'Malley:

I'd just like to make one comment on Mr. Flaherty's statement that a positive vote on 2310 for William M. Mercer would be a waste of taxpayers' money. I disagree with that because Ron Schmeiser, our City Treasurer, was up here Wednesday to inform this Council that the people on his staff either had the expertise, the qualifications, or were

capable of doing this actuarial service. There's no dispute on this Council with Mr. Schmeiser's qualification or his honesty. He said that a mistake in the calculations of our union contracts and our fringe benefits could cost this City hundreds of thousands of dollars and one or two percentage point.

I'd just like to state the I don't feel that it's a waste of taxpayers' money and on Mr. Schmeiser's recommendation, I vote aye.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES 3

(MR. FLAHERTY, MICHELLE MADOFF
AND MR. ROBINSON VOTING NO)

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2336

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Jack W. Shearer Equipment, 1962 Ohio Street, Johnstown, PA 15904, in the amount of \$1,983.41 in payment

for repair of a Back-Hoe Loader furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2342

A Resolution entitled, "Resolution transferring \$218,000.00 from the Department of Parks and Recreation's Code Account 1843, Senior Citizens Program to the Department of Parks and Recreation's Senior Citizen Program Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2411

A Resolution entitled, "Resolution authorizing the Director of Finance and the City Treasurer to work with the ACTION Mortgage Delinquency Task Force plan to prevent unemployed home owners from losing their homes in the City of Pittsburgh through Treasurer's Sale."

Which was read.

Mr. Stone:

I'd like to amend this bill and add the following paragraph:

"Furthermore, the Director of the Department of Finance shall submit to Council timely reports concerning properties that were removed from the Treasurer's Sale."

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, on Bill 2411, at our

last Wednesday session, it was suggested that a member of Council serve on a review panel and the Chair was given my name as a recommendation. The issue came up as to whether or not it would be appropriate for a member of Council to serve on that review panel and our Solicitor was supposed to provide us with some information before we took a final vote today. I was wondering if the Clerk or the President has that information.

Mr. Stone:

Mr. President, I'm reading from a letter January 31, which was just handed to me earlier. It says in the last paragraph of page one, "in so far as whether it is legal to direct Councilmembers to serve on this panel, Section 201 of the Home Rule Charter vests all administrative powers in the Mayor and heads of units of government. It would be illegal as an infringement on the Mayor's administrative power to place a Councilmember on an executive panel. Under the Home Rule Charter Council's expression of a policy is for administrative officials to execute."

The Chair:

Did that come this morning? Because I didn't get a chance to open my mail yet.

Mr. Stone:

I just got this today so it's the first time I saw it.

Mr. Robinson:

Mr. President, I'm going to make my usual speech and I might add some to it. My usual speech is that I don't think that there's any inconsistency between this Council establishing legislation and identifying those persons who should

carry it out, in this instance, as in any other instance, and if Mr. Pellegrini's opinion is not to the point. The point is not whether this Council should direct a member of Council to serve. The issue is whether or not this Council feels that there should be a member of Council on that panel. Again, it appears that this is an issue that the Administration feels can only be resolved in the Courts. I just think this is a convenience that is used any time this Council attempts to exercise its power that we get an opinion from the Solicitor indicating that we're infringing upon the Mayor's rights. I think if this Council is going to be bold enough, and I certainly commend you for being bold, if we're going to be bold enough to interject ourselves into the Treasurer's Sale process to disrupt the normal acquisition of sale of delinquent properties, that it certainly is fitting that a member of Council be on that particular panel. It was this Council, through your initiative, Mr. President, that established this procedure, recommended Council Bill 2411, not the Administration. It was you, Mr. President, who determined the persons who should serve on that Committee. Not the Administration. And I would dare say that we are well within our legal rights to have a member of Council serve on this Committee as we have had members of Council in the past, at our direction, serve on committees. And I would suggest that if in this instance we back away from this responsibility that we immediately call the Solicitor, establish a meeting to go over previous legislation that we have approved, where members of Council have been designated to serve, and find out if, in fact, we are operating in a legal fashion.

I would hope that if it's Council's desire to have a member of this body serve on that Committee that we do that and that we vote for that and that we not shrink away from our responsibilities

based on the notion that we're infringing upon the prerogatives of the Administration.

One last comment. It's my understanding that it's the prerogative of the Administration to conduct the Treasurer's Sales. It's my understanding it's the prerogative of the Administration to take properties that are tax delinquent and dispose them in accordance with the law. Mr. President, we are interjecting ourselves into a process that is clearly the purview of the Administration. If we're going to go halfway in, let's go all the way in and make sure that our intent is carried out. I would hope that your intent, in part, was to make sure that those persons who, through no fault of their own, have lost their jobs and perhaps might lose their homes, could be protected by this Council at least in part. And I would think that the public is under the impression that this Council is taking that bold move, that this Council has determined that it's very important to this City that we do this. I would encourage the members of this Council to study very carefully the decision of the Solicitor.

One last comment. If Council is unready to take this bold move, then I would suggest that the bill be referred back to Committee and if we have some opportunity to sit down with the Mayor, sit down with the City Solicitor, and hash out this matter because it would appear that over the last two weeks we have gotten a number of communications from the Administration which have suggested that we're walking on the Mayor's executive prerogatives. If there is a legal question, rather than go to court, why don't we sit down as reasonable men and women and try to work it out?

The Chair:

Mr. Robinson, if I may, I can't agree with you more heartily, but I have to backtrack just a bit. It was this Council that made the first move, took the first initiative in regard to a moratorium on mortgages. It was just a resolution. The Chair followed up and also the courts did in the person of Judge Papadakos. Then it was Council's intention that those in the City who would come under the delinquent tax section where they had to either pay the taxes or lose their homes in some sort of auction, that they would be deleted from the present sales or the future sales coming this spring and the ones thereafter until employment was secured and the economy improved.

As far as a member of Council serving on that board, I think I'd like to see it happen. But I wouldn't want to see this bill held up if a member of Council isn't on that board. If you're talking about us working something out in the meantime, I see no problem with it whatsoever. And I see no problem whatsoever with a Councilmember serving on that board. In fact, I think somebody should be on there. But their interpretation saying no, it can't be, I wouldn't want that to hold the bill up.

Michelle Madoff:

Mr. President, I think that Mr. Robinson was very eloquent and I think that your comments are very cogent and right to the point. But if indeed, as you say, we don't want to hold this bill up even though we can sit down as responsible members of the Administration and of the legislative body and in good faith work together instead of working against each other, this should never have happened. We should never be in this position. Because, if indeed, if indeed the Mayor

feels that we're stepping on his prerogative toes, why wouldn't he in good faith say, or the Administration in good faith say, "We welcome a member of Council and who do you wish to appoint?"

It seems to me I asked you, Mr. Robinson, last week if you were willing to serve and you said if it was possible and acceptable to Council that you indeed were willing to serve and Council supported that. Now, I can't imagine why the Mayor or the Administration would say they did not want somebody who's worked as hard on these issues as Bill Robinson to get the input of his knowledge and his expertise not to serve. And I am going to stick to my guns and I want Mr. Robinson on that committee.

Mr. Flaherty:

Mr. President, I whole-heartedly agree with what Councilwoman Michelle Madoff has said, but more importantly, with Councilman Robinson. I believe that it is time once again that Council show some bold initiative in regard to asserting ourself as the legislative body in the City. And I think it's crucial if we are going to have effective checks and balances that a member of City Council certainly reside on the committee. It's important to keep in mind that there isn't going to be a Treasurer's Sale for a couple more months. In fact, right in the body of the bill it refers to the Spring Treasurer's Sale.

The Chair:

I believe it's in June, actually.

Mr. Flaherty:

Right, June. So, we are not talking of time being of great essence in regard to this issue and I would think that it certainly is a very pressing

problem and I would think that if there is a delay that it would only be a week or shortly thereafter. It's very important to keep in mind that the bill is broad in concept. We had our City Treasurer, Ron Schmeiser, speak in last Wednesday's Committee Meeting in which he said that as far as the criteria or the guidelines that are going to be utilized to weigh each plea or each home-owners' case in regard to mortgage foreclosures, that that has not even been established yet. It says so right in the furthermore that it's going to be up to the Committee to establish and review the conditions and circumstances of those owner-occupies homes. I think it's essential that since this Council, since you, Mr. President, were the initiator of this very important bill and that it wasn't the Mayor's Office, I think it's important that this Council guarantee that the bill indeed have teeth in it and that it is just not a puff-piece. We're dealing with people's lives here, with their homes and I think it's imperative that Council certainly exert every safeguard that we have and the best check, the best safeguard is to have one of our own sit on that commission.

The Chair:

Bill, do you want to make a motion to recommit until we resolve this?

Michelle Madoff:

But only for a week, Bill. No longer.

Mr. Robinson moved to recommit Bill No. 2411.

Mr. Flaherty seconded the motion.

Mr. Stone:

I hear a lot going back and forth and, unfortunately, none of it addresses

the issue. Number one, we're talking about whether or not we're going to pass this action and I think the sooner the Treasurer gets it the more he can begin working without letting these people be traumatically affected between now and the spring. The second one is that the Mayor is not involved and to attack the Mayor for what the Solicitor wrote is totally unfair. And really, as I said earlier, it doesn't address the issue.

As I stated earlier, I just got this letter, but as I read it, the issue and since we've been very strong about demanding our rights under the Home Rule Charter, it appears to me that the Solicitor is doing nothing more than demanding the rights for the Administration in this bill. And all he is saying is that this Council can't direct that a Councilmember serve on that panel. He has not said the other issue, can a Councilman serve.

So, in view of that, it would appear to me that we ought to pass the bill and at that point send a letter to the Mayor asking if he would appoint someone from Council or specifically appoint Mr. Robinson who has indicated his desire to serve. And we won't have the hangup of who's rights are being infringed under the Home Rule Charter. That's the issue the Solicitor has addressed. And the only issue. He hasn't said he can't serve, he just said that we can't direct that he serve.

The Chair:

I didn't read the letter except what you said, but I gather from what you read, Bob, that he also was saying that a Councilperson could not serve on the Board. You're saying that he's saying that Council can't direct a person.

Mr. Stone:

No. Council can't make the Mayor put one on. In their legislation is what he's saying. But can the Mayor appoint, and he doesn't answer that issue. It would appear to me that's the issue he's addressing. It's a matter of jurisdiction only. We shouldn't go into that Constitutional issue as a hangup. This particular piece of legislation is too important for these people at this time. We ought to try somehow to get something done with it.

The Chair:

Vince, could you address yourself to what Councilman Stone said, that as far as a lot of us are concerned that Danny is saying that Council can't direct a member to serve, he's saying he isn't expressly saying that a Councilmember can't serve on it?

Parliamentarian:

I think the proper one to explain the letter is the Solicitor. I would think that is his problem.

Michelle Madoff:

Most of his letters are in double-speak.

The Chair:

Why don't we get Danny over here to clarify that?

Mr. Robinson:

If I just might, I'd like to respond to Councilman Stone's comments. First of all, I don't think the issue that he set is the issue. I think that the record from last Wednesday will show that we did not ask the Solicitor to determine that this Council could direct a member of

Council to serve. I will stand by the record. I would hope that Mr. Stone is incorrect because I'm sure he would clarify his position. I believe he's incorrect and I believe the record will reflect that what we requested was from the Solicitor to determine if indeed a member of Council could serve. Again, it seems to me that the Solicitor, in serving the best interest of the City, would address that question, both questions, knowing that our intent was to determine if a member of Council could serve, whether the Mayor appoints that person or whether someone on this end of Council appoints him. I still think that that was the question that we asked. It's unfortunate that the Solicitor, perhaps, didn't understand what we were asking.

Also, it seems to me that if we're going to be following some rules and procedures, that it would have been wise for the Chair or the City Clerk to address the issue of the Solicitor's letter as soon as possible during this session. Mr. Stone indicated that he just got the letter, I have never seen it and I believe other members of this Council have never seen it. It's rather obvious we were supposed to have the letter before we took action. That's all I'll say on that point.

The Chair:

The letter was apparently delivered this morning. I didn't open my mail.

Mr. Robinson:

Okay. The last point I want to make, and I realize that we're running into a time question. In 1980, when, Mr. President, you appointed me Chairman of Planning, Housing and Development, there was certain committees on which I was supposed to sit because I was a member of this Council. I hope these

comments don't embarrass anybody, but this shows you the seriousness of this question that I have raised about this issue of prerogatives.

I was supposed to serve on the Vacant Property Review Committee because I was Chairman of Planning, Housing and Development. Mr. Givens, who was the previous Chairman, served on that Committee until such time that he was no longer the Chairman of Planning, Housing and Development. I was denied my opportunity to serve on that Committee by way of a letter of a Director of a Department in this City who indicated to me that I was an ex-officio member of that Committee. I immediately raised this issue with two of my colleagues who were in a position to address it and do something about it. They did nothing. I only bring this up now to suggest to you that this problem is a little more serious than some people want to believe. I then went to the Mayor of this City, Richard Caliguiri, and explained to him what I perceived to be an unfortunate situation. And only after I said to the Mayor of this City that I will not introduce any more legislation into Planning, Housing and Development did the Mayor of this City and the Director in question finally decide that I was entitled to serve on that Committee. It was rather obvious to me that the law said I was supposed to serve. I got a copy of the law and I shared that with the appropriate people. The Mayor swore me in five minutes after I made my phone call.

That's why I'm so concerned, members of Council, because this is not an isolated situation. If we're going to play the game, let's play it fairly and squarely and by the rules. And when members of Council are denied their Constitutional rights to serve, to participate, I don't think anyone can stand up and defend that. Every word I

said I can document and at the appropriate time I'll give the names, the dates and the places. I think it was an outrage and a disgrace that a member of Council had to suffer under that after going to the appropriate people on this Council and asking them to resolve it in their professional capacity. I have a lot of questions about this bill, Mr. Stone, and I have a lot of questions about members of Council having their prerogatives denied them because someone doesn't like them.

Mr. Stone:

Bill, hold on. Let me clear the air. I've just been handed a legal opinion here and I'm only trying to say it as I see it. I'm not favoring anybody, I'm just saying that I don't think we have the issue that has been expressed here. The question of whether someone can serve is not answered here. I don't know whether he got the right question or he didn't. All I'm taking is that the City Solicitor says that we can't set it up and we can't say that a Councilperson must be on it. He does not answer the second question. That has no personality involved. That's only what I'm reading from a sheet of paper that was handed to me only because we requested that reports be given and that the end of it carries the amendment that was necessary today. That's all I'm saying.

Mr. Flaherty:

I believe that the issue is starting to become the City Solicitor's Office. Councilman Stone refers to an opinion from the City Solicitor's Office. We can talk about the theories of the City Charter and the philosophies, but let's talk about the real world. The real world is that the City Solicitor serves and is appointed and continues as long as he may continue at the behest of the Mayor's Office. The real point is that

the City Solicitor consistently supports the Mayor's Office. The real world is that the City Solicitor consistently supports the Mayor's Office when it is in direct contact with this City Council. And the real point is that this City Council better stop being rubber stamps and errand boys for the Mayor's Office. Nobody is speaking against the Mayor's Office in regard to the issue of mortgage foreclosure. But I think that the Mayor's Office can speak for itself and I think the City Solicitor can speak for itself and in the real world the City Solicitor, often times, does speak for the Mayor. And in the real world the City Solicitor's opinion is just an opinion as good as anyone's opinion on this Council because we are elected by the people and the City Solicitor isn't. It's about time that the real issue is, are we going to be an errand boy for the Mayor, are we going to be a rubber stamp, or are we going to start to think for ourselves? I think this is an issue we should start to think for ourselves and show we have some guts and maybe play a little hardball with the Mayor's Office.

Michelle Madoff:

Mr. President, may I move that we hold this for a few minutes to get Mr. Pellegrini here?

The Chair:

I suggested that earlier but we had a couple more speakers. Somebody get Mr. Pellegrini.

Mr. Flaherty:

Could we all have a copy of the opinion, too? It seems there's only a couple members of Council that have this opinion.

The Chair:

The question has been raised here in regards to whether a Councilmember could serve on the panel in regards to delinquent taxes. There's some sort of consternation in regards to some misinterpretation. Mr. Robinson seems to feel that you're saying that no Councilmember can serve on that panel and Mr. Stone is saying that your answer was that no Councilmember could be directed by Council to serve on that panel.

What we're asking, we know what you said in regards to appointing a Councilmember, but can a Councilmember sit on that panel?

Mr. Pellegrini:

I don't think anyone would have any objection if all the Councilmembers would want to show up at the panel. I don't envision this as a formal voting panel. I think the ultimate decision will lie in the Director —

The Chair:

Dan, I don't want to interrupt you, but I think what we're asking, very simply, can a Councilmember legally serve on that panel?

Mr. Pellegrini:

If the Mayor would like to have a Councilmember sit in, there's no difficulty in doing that.

Michelle Madoff:

And if he doesn't want one?

Mr. O'Malley:

He answered the question, Michelle. That's the end of it.

Michelle Madoff:

I want to know if the Mayor doesn't want a Councilmember that we've all decided we'd like to have serve, that's Mr. Bill Robinson.

Mr. Pellegrini:

I think everyone has to realize the different rules. Under the Home Rule Charter, the Administrative powers are vested in the Mayor under Section 201. Council has the legislative powers and by taking this action, what Council is doing is asking the Administrative branch to set up a procedure to carry out their will. By enacting this resolution today you're saying to the Administration we do not want owner occupied properties sold at Treasurer's Sale. It's up to the Administration to carry out your will. Your participation was in the passage of this legislation. With the timely reports section that was included in the bill by amendment, Council can then monitor the actions of that panel and take remedial action through legislation that's necessary. That's how, under the Home Rule Charter, that this City operates.

Michelle Madoff:

Dan, how many people sit on various boards and commissions that are members of City Council?

Mr. Pellegrini:

Under the Home Rule Charter, it mandates that on authorities that members of City Council sit, there is no other authorization under the Home Rule Charter for Councilmembers to sit on any other board and commission.

Michelle Madoff:

Maybe we ought to open up the Home Rule Charter. How does one go

about doing that?

Mr. Pellegrini:

I think you should ask Councilman Flaherty.

Michelle Madoff:

I think that's a smart-ass remark. It's unnecessary. I would like the answer to the question. It's a very serious question.

Mr. Flaherty:

Through referendum. That's the only way you can change it.

The Chair:

Does everybody understand Mr. Pellegrini's explanation?

Mr. Robinson:

No.

The Chair:

I understood it to say that a Councilmember could serve on that panel if the Mayor appointed him.

Michelle Madoff:

How do we open up the referendum to change it? Obviously, when this was drawn we didn't know the problems we would get into, the discrimination that we would get into, where the Administration would say I don't want certain people on committees. I'm not an authority. I'm too dangerous. I've never been appointed to anything in four and a half years because I might investigate whatever I'm on.

The Chair:

Let's stay on Mr. Robinson's question. Mr. Robinson, do you care on what was said?

Mr. Robinson:

Yes, if I might. Dan, let me clear up a couple procedural things because perhaps this is where some of the confusion is coming in. It was my understanding that the City Clerk sent a communique to you, probably last Wednesday or Thursday, asking the question about Bill 2411, and that that question was whether or not it was appropriate for a member of Council to serve on the committee that was identified in 2411. I didn't see the communique.

Mr. Pellegrini:

To serve on this panel, and if so, you are requested to include this provision in the amendment. What I understood that to mean was whether or not you added an amendment to the bill requiring a member of City Council to sit on the commission or the panel.

Mr. Robinson:

Okay, let me just refer to the bill itself. I don't know if you have it in front of you, but it says at the very end, the bill identifies the persons to serve. I would assume the author of the bill, in cooperation with the Solicitor's Department, put this together. I perceive that to mean that those persons will serve, that they don't have any choice, that they will serve. I would assume that the member of Council who suggested the inclusion of someone, and that was Mrs. Madoff, was suggesting that in light of the last paragraph which simply identifies now. If identifies means to direct and I would assume

that's what she wanted to do, and if there was nothing inconsistent as I understood it, and the question was raised to see if a member of Council could serve, whether they were appointed by the Mayor, by yourself, or whomever, that was my understanding of the charge that you were given and that's what I read from that letter. Your opinion indicates that it's illegal for us to direct that someone — we've already directed, Dan, four people right here. That's the first thing.

The second thing relates to the powers. Is it your understanding that this committee would have the power, the power, to stop the Treasurer's Sale of a house that was delinquent in taxes and met all the regulations and rules to be taken and sold by the Treasurer of the City of Pittsburgh.

Mr. Pellegrini:

Let me answer the second question first. What the bill does, it authorizes the City Treasurer and the Director of Finance and the City Solicitor, ultimately it would be up to the Director of Finance because he's the one under the Treasurer's Sale Act of 1947 that has to place the properties at risk and the other two members on the Board would serve in an advisory capacity to him. So, it's really one person making the decision. It would authorize him to take out of the sale owner occupied property and consider that as a factor. Otherwise, he would only be authorized to use the normal criteria for inclusion or exclusion in the sale. And this authorizes him to take it out.

Mr. Robinson:

Okay, on another point. If indeed the persons who are identified in this last paragraph, other than the Director of

Finance, are serving in an advisory capacity, wouldn't it be more appropriate for Council to have established an advisory committee or the Mayor to establish an advisory committee or the Director of Finance to establish an advisory committee? The reason I asked that question is that it seems to me that this bill gives the impression that this committee is indeed going to be legally empowered to stop Treasurer's Sales. From what you said to me, the only person in the City of Pittsburgh who's authorized to stop it or to start it would be our Director of Finance. I'd just like to hold that point for a minute because I'd like an answer to that question.

The second thing is, did it dawn on you or your office, when you put this bill together, that it might be in violation of state law?

Mr. Pellegrini:

I didn't put this bill together.

Mr. Robinson:

Okay, well I assume, I assume someone in the Solicitor's Office looked at this before it got this far because I have a serious question from what he said and your opinion as to whether or not legally, under state law and the laws of the Commonwealth of Pennsylvania, we can divide any mechanism to circumvent the legal taking and sale of property. In effect, what we're doing is exonerating taxes which is obviously illegal.

Mr. Pellegrini:

The Treasurer's Sale Act provides a method for the selling of property. What we are devising is a method of excluding property from that process. No taxes will be exonerated as a result of this bill. All they will do is, the

property will not be taken, taxes will continue to accumulate on the property until the person is better able to pay those taxes. But it does not exonerate any properties from taxes.

Mr. Robinson:

Then how come the Mayor or the Director of Finance, on their own, either the Mayor or the Director of Finance or a combination, simply have said, "Look, anybody who has lost their job without any fault of their own, due to the recession or depression, we are going to exempt you properties from Treasurer's Sale." Why is it necessary for us to create a piece of legislation which gives, I think, a false impression, or let's say a misleading impression? The power is already there to do exactly what this bill is calling for. Why do we have this bill and how come the Solicitor's Office didn't flag this down?

Mr. Pellegrini:

Well, number one, what the Treasurer's Office is doing and this bill is doing, is giving the Treasurer authorization to exclude property from taxes. In a way, it acts as a protection for him to allow taxes to accumulate. Without the bill, the Treasurer could be criticized for excluding properties from the sale where other properties owing the same amount of taxes are included.

Mr. Robinson:

Then explain this to me. And I'm asking you to explain this with full knowledge that you did not put this together. I'm trying to get some legal clarification here. If indeed the Finance Director and the Treasurer are protecting themselves, this process is somehow designed to protect them, would you please tell me what is the role of the Director of Planning and why does

he need to be protected? How does the Director of Planning fit into all this?

Mr. Pellegrini:

My understanding is that the Director of Planning is just an additional person to give additional input. Why he's on there, you know, you could have another person on there, but you need other people to exercise and give advice to the Director of Finance.

Mr. Robinson:

I'd just like to close by saying that my previous remarks stand and at this point seem to me that what we have in Council Bill 2411 is a bill that one, is perhaps illegal, a violation of state law. Two, I think it is a bill that gives the impression that there are people in this City who have the power to stop Treasurer's Sales, who, in fact, have no legal power to do that. And three, at best, this Committee is going to be advisory and the only person who can stop the sale is the Director of Finance, and if that is the case, I think the Director of Finance ought to be directed by this Council or the Mayor to do that if we think that's in the best interest of the City, and not create another layer of bureaucracy to carry out a task that is obviously already assigned.

Mr. Pellegrini:

I'd just like to point out two things. I disagree as to your interpretation on points one and two, that's it's illegal under state act and that it's not necessary. I think we have to ultimately realize that the purpose of this bill was to exclude properties from Treasurer's Sale of those people who are unemployed and are now unable to make their payments. I think the bill also directs that the Director of Finance provide criteria for excluding properties

for sale which will be submitted to Council. It provides a mechanism for that event to occur. The court established a similar mechanism for the Sheriff's Sale. While everyone is talking about who has the authority, the Mayor or Council, I think this bill performs a laudatory purpose and the way it's drafted will carry out the purpose that Council intended it to.

Michelle Madoff:

May I ask a question, Mr. President? Would you meet with the Mayor and ask him whether he would have any objections, since it's his prerogative or purview, according to your legal opinion, at the will of Council to have Councilman Robinson to serve on that committee? And report back.

Mr. Pellegrini:

I'd be very happy to meet with the Mayor.

Michelle Madoff:

Mr. Robinson, would you be willing to hold for one week until we get that answer?

Mr. Robinson:

I already made that motion.

Michelle Madoff:

And I seconded it.

Mr. Flaherty:

In reviewing this bill, what is the name of this panel or this committee or this board or this commission?

Mr. Pellegrini:

There's no name in the bill.

Mr. Flaherty:

Exactly. There's no name and I scrutinize this bill very carefully and there's no language which formulates a commission or board or panel. Maybe the bill was just drafted sloppily, but this is what we have to deal with now. So, how can there be, you've used the word panel, you've used the word board, commission, what do we actually have in front of us? A board or a commission or a panel?

Mr. Pellegrini:

What you really have is an executive panel. It's not a board or commission in the sense that we have as denominated in the Charter. Boards and commissions, under the Charter, would have the members appointed by the Mayor and confirmed by Council. What we have here is an executive panel that would make those determinations.

Mr. Flaherty:

Okay, now, is the Action Mortgage Delinquency Task Force, are they going to have input into this too?

Mr. Pellegrini:

As I recall, that was in the first section of the bill and that asks that the Director of Finance and the City Treasurer work with Action Housing who has a program underway to assist those individuals whose homes are going to be foreclosed.

Mr. Flaherty:

But are they going to have input into establishing the criteria as to what homes are going to fall in this special category?

Mr. Pellegrini:

I'm sure the Director of Finance will consult with them.

Mr. Flaherty:

Well, it seems to me that it's very amorphous as to who's going to have input into the Commission and it's conceivable, I don't even know who sits on the Action Mortgage Delinquency Task Force. And I don't know how many individuals are on there but it seems that perhaps if they have six or seven individuals then those six or seven individuals conceivably could also sit down with the Director of Finance, the City Treasurer, Solicitor and Director of Planning, to establish some criteria.

Mr. Pellegrini:

That's right. And the Director of Finance could adopt those criteria.

Mr. Flaherty:

Well, the point I'm making is that I don't think we have a committee or we don't have a panel or board or a commission. It's sort of just like an ad hoc group of sorts. And it's certainly not clearly defined in the legislation and, in all respect to you, I don't think your opinion clearly defines it either.

It seems to me that the bottom line is going to be given to the Treasurer. The second page of the bill says that if the property owner falls in this class, a special category property be established by the Treasurer. So actually, we're not circumventing the Treasurer. The final say on it is going to be the Treasurer as to if the recommendations of this ad hoc group are accepted at all.

So, I think it certainly puts a lot

of holes in the basket of water that is made in the opinion.

Mr. Pellegrini:

Just because it doesn't have a name doesn't mean it isn't a panel. What it does is, it formalizes and sets up a method by which owner occupied houses can be excluded from the sale. And I think we have to realize with all the talk about who can serve and who can't serve that the ultimate purpose of bill is to ensure that these homes aren't sold.

Mr. Flaherty:

Do all other boards and commissions have a name to them?

Mr. Pellegrini:

All the formal boards and commissions do have a name. If you want to put a name in, it would be very easy. Call it the Owner Occupied Treasurer's Sale Board or Panel.

Mr. Flaherty:

The point I'm making is that I don't think the bill formulates an official board or commission and since it does not formulate a board or commission, then it is not under the jurisdiction of what governs the formulation or the make-up of a board or commission.

Mr. Pellegrini:

That's right. As I stated before, boards and commissions have a specific meaning under the Home Rule Charter. And I cannot call this a board or commission because the Home Rule Charter states that those boards appointed by the Mayor, where individuals are appointed by the Mayor and confirmed by Council, is to nominate a board or commission.

The Chair:

Point of order, Mr. Flaherty. I think the bill is rather explicit. You were asked one question, Mr. Solicitor, and I think you answered that question. Whether you answered it properly for certain peoples benefit or not is beside the point.

We now have a recommittal bill and we have a second. Under discussion did you care to talk to the amendment, Mr. Givens?

Mr. Givens:

Mr. President, I think you were the draftee of this particular bill. The intent is there. I think some people are talking about schematics and the bill itself, if they want to be amended or have to be amended we can do that. But I think the purpose of the bill is for the Director of Finance and our City Treasurer to get with Action Mortgage Delinquency Task Force to plan to prevent unemployed home owners from losing their homes in the City of Pittsburgh through a Treasurer's Sale. That is the intent and with that I call for the vote.

The Chair:

Tragically, it became a political football. I'm sorry about that.

Now can we have a roll call vote to recommit 2411?

Mr. Flaherty:

I vote to recommit and I think I have made my arguments very clear, but I just would want to add to those previous arguments that the semantics and the language of legislation is extremely crucial. Anyone who has any experience in dealing in a legislative

body knows that a may and a will, for example, can change the entire meaning of a bill. And since this is such a crucial issue, I think it is even more so important that the semantics, that the wording of this bill be very concise. Because if it isn't, that is what often times opens up the loopholes, the legal arguments, not to carry out the intent of the bill. And probably one of the biggest faults Congress and State Legislature and certainly this City Council is that they just tend to brush off the language in a bill and just have a very cavalier attitude as to what the bill is saying.

Mr. Givens:

I vote no and I'd like to so indicate that I think we have to get this thing out front. Even though June is here, there are problems that still must be worked out in formulating this particular task force. Guidelines must be enacted and we must give the Administration time to do that and that we're legal in everything that we do.

The fact that our Legal Department has been criticized for having opinions that favor that of the Mayor, it's interesting to note that in this particular bill that our Department of Law so indicates that there are no legal impediment to the enactment of this bill. For that reason I want this bill to be passed today.

Michelle Madoff:

I vote yes that we recommit with the understanding clearly that Mr. Dan Pellegrini has given his word that he will speak to the Mayor, hopefully today, if he's in town, and recommend at the will of Council that Mr. Robinson serve on that committee. And let's get on with it and not delay it any further. We can delay it no later than Monday.

Mr. O'Malley:

I vote no and I'd just like to add that I think this bill goes a long way to giving relief to many of the unemployed people in the City of Pittsburgh and the past half hour discussion of whether a member of this Council sits on this board is not addressing the problem. I think it's insignificant whether one of us sits on that panel or not because I believe that the Administration is certainly an honest Administration and I think what we should address is the problems of the unemployed and what we can do to help them. I vote no for recommitment. I'd like to see the bill come up on the floor for a vote.

Mr. Robinson:

I vote yes and I'd just like to say that it's utterly amazing that this Council can just brush aside legal ramifications and implications of the bill. Notwithstanding whether a member of this Council serves or does not serve, but the fact that we can brush aside the fact that we are perpetrating a fraud, a political fraud in the people of the City of Pittsburgh. If there were members on this Council who honestly believe that this bill was sound and if they were well on solid footing not to have a member of Council involved, they could have addressed that question Wednesday. Every member of this Council who was at the session Wednesday agreed to have the Solicitor check it out. Again, check the record and you'll see what it was that the Solicitor was asked to address. It wasn't what Mr. Pellegrini addressed. I just think it's ironic that in our haste to try to score some political points with unemployed steelworkers and others in this City that we're willing to perpetrate a political fraud on them. We're trying to make them believe that we're going to give them something they don't already

have. It's rather obvious that the Finance Director and the Treasurer have the power to do exactly what it is this legislation is requesting to do.

I thought initially that this legislation made a lot of good sense. I thought it was a fine example of this Council standing up and trying to help those who couldn't help themselves. I didn't ask to serve on that panel. I said I would serve if it was legal and it was proper and I certainly would not serve without the approval of the sponsor of the bill or the President of this Council. I believe we ought to respect the rules. To move forward on this bill simply because we want to help some people, I think we not only endanger the total process of our own rules that we seem to violate regularly, but I think we also bring in the question whether or not we are acting in the best interest of other home owners who also find themselves tax delinquent for reasons equally as good as the recession, equally as good as Reaganomics, equally as good as they have lost their job due to no fault of their own. I don't know of any outstanding citizen in this City who owns property who has property taxes who doesn't try to pay them if they can. Where they don't pay them and where they make no valid attempt and where they do not respond to the calls of the Treasurer to come in and work something out, we exercise our powers under the laws of the Commonwealth of Pennsylvania to take those properties and turn them over to somebody who can pay the taxes, someone who can do something productive.

I am particularly concerned that now that all the issues are coming out on the floor, there seems to be a mad rush to pass this bill, that we're not even willing to stop and think for one short week the overall implications. I would hate to think that there's some home

owner out there who is not unemployed, or who is not a steelworker, but has a valid concern that they can't pay their taxes, who will find that they're not going to get this kind of advantage simply because we're unwilling, unwilling, to make sure that we're proceeding in a legal fashion and also proceeding in a fashion that is consistent with every procedure that this Council approved two years ago when we re-organized. Mr. President, I say it again and again, we violate the rules of Council each and every day for our own personal convenience, and you, Mr. President, are responsible for making sure that those rules are obeyed. And I request that the Chair make sure the rules are obeyed by every member of this Council. I vote yes to recommit.

The Chair:

If I may, Mr. Robinson, in regards to the delinquent taxes, I think it was stressed more than once by the Solicitor and we're not saying these people don't have to pay those taxes, we're giving them some sort of amnesty or some time. I want to make that point clear. All people in the City of Pittsburgh have to pay their taxes eventually.

Mr. Stone:

Mr. President, the problem is imminent. The people that are entitled to assistance now and not an hour of debate, not another week of delay. They need it now and we ought to be giving them it now. I don't think it ought to be delayed, they ought to get our vote and our confidence today. My vote is no.

The Chair:

Is there any further discussion on the recommittal?

And on the question, "Shall the

The ayes and noes were taken agreeably to law, and were:

Mr. Flaherty Mr. Robinson
Michelle Madoff

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

I'm going to support the bill. I don't have any great confidence in the bill, though, and I have to agree with what Councilman Robinson says. This,

I will vote aye. I have utmost faith in Mr. Dan Pellegrini's integrity that within one week, having given me his word or I will trip him when we go to the garage, and slash his tires, he will have an answer that will be a favorable answer saying, "Yes, indeed, we welcome

Mr. Robinson to serve with the Mayor so Council and the Administration can work as one."

Mr. O'Malley:

Just for the record, I'd like to say that I disagree with everything my colleague, Councilman Flaherty just said. And I think that the bill goes a long way to giving help and relief to the people who really need it, and I vote aye.

Mr. Robinson:

Mr. President, in the interest of my personal integrity and since my name has been bantered back and forth, and I assume I will see it and hear it again, I would like some documentation of my position on the bill, having already commented on the other issues.

It's rather obvious to me that the Treasurer and our Finance Director have been acting in a responsive fashion where persons in this City have been delinquent on their taxes. And I certainly would like to commend them. I think the record will reflect that the last Treasurer Sale, when a number of people panicked because they received notices that their property was going to be sold, that Mr. Schmeiser and Mr. Jacoby and everyone on their staff, Mrs. Goldberg and others, bent over backwards to try to work out a reasonable payment schedule for anyone who sincerely want to pay their taxes. Only in those instances where people had just refused to pay, refused to make any attempt, did they move to sell their properties and even after that, everyone here knows that you still have six months to redeem your property. So, I want the record to reflect that I was part of that process. I was one of many Councilmembers who attempted to help people in this City who were sincerely frightened, mainly the elderly, who were sincerely

frightened that the property would be sold out from under them. I believe that this bill 2411, doesn't accomplish anything that Mr. Schillo, our present Treasurer, and Mr. Schmesier, our Finance Director, cannot do without this type of legislation. I will not suggest that there was not sincerity, honesty and decency as motivating factors in putting this together and again, I commend you, Mr. President, for doing that.

Also, it should be noted that there are many unscrupulous people in this City who took it upon themselves during the last Treasurer's Sale to prey upon many elderly and many unsuspecting souls by telling them that if they gave them X number of dollars that they would go and talk to certain members of Council or that they would make sure that their taxes were taken care of. I was on the radio during that period of time and I said very forthrightly that no one in this City should have to pay any elected official to do his or her job. Again, I say it. Any elected official who takes money to try to help a person work out their tax problems or get any other service in this City is a disgrace to this City and I would hope that those people who are truly concerned about the unemployed, people who might lose their homes, would have a little compassion in their heart to let government do what it can do because certainly, this government in the City of Pittsburgh has always, and I include every member on this Council and the Mayor, has always done what we could do to relieve people's misery because we're decent, honest people, and we believe in that.

The last thing is, I think that if, indeed, we believe that the unemployed steelworkers and other unemployed people deserve some opportunity to have a chance to pay their taxes at a later date, again I would hope that we would not be opening the doors for unscrupulous

people who would seize upon this opportunity as a way of bilking these people out of the few dollars they have by suggesting to them that again they can give them a few dollars, or a lot of dollars, and come downtown, give it to some public official or someone in their community, and their taxes are going to be fixed. I don't believe that's the way this City should operate. I would hope that it doesn't operate. And I for one, anyone in my community that's approached like that and tells me about it, I'll be back on the radio again. I think this is a matter of personal integrity and certainly, at this point, with me. And I'm not going to back away from my conviction in this regard. I'm going to vote no on 2411.

The Chair:

Excuse me. Are you saying there was an accusation made that some public official accepted money to vote for this bill or to push this bill?

Mr. Robinson:

No. During the last Treasurer's Sale I spoke to a number of individuals who were approached by community people, I don't want to repeat rumors, but by community people, who were using various names of members of Council and other people in government as a means of saying, if you give me a few dollars I'll go down and see them for you. I'm saying I think anybody on this Council who's name I've heard, if I told them that I heard their name, they would be incensed. I don't think, I don't think, that any of us should leave ourselves open to have people misuse us like that and give to the public the impression that we're sitting around here trying to take advantage of their misery. I'm on record right now. Anyone that needs public service from this City where I can accomodate them, it's free

of charge. I've already been paid. I'm elected and I get my \$32,500 a year.

The Chair:

I think we all feel exactly like that, Bill.

Mr. Stone:

In view of that remark, let it be said that I didn't ask anybody for any money, I never got any money from anybody and I think those kind of remarks shouldn't be made here unless there's a little more basis for it than has been stated here.

Mr. Robinson:

I'll bring you the documentation, Mr. Stone.

Mr. Stone:

And if it's so, then follow it down.

Mr. Robinson:

I did follow it down, Mr. Stone.

Mr. Stone:

If somebody's gotten some money, then there's a way to handle that. But I just want it clearly understood as far as I'm concerned. But let's go back to the bill.

Mr. Robinson:

I hate to interrupt you, but my personal integrity has been questioned here today, Mr. Stone, and if you don't mind, I think it's appropriate for me to raise these concerns. Because as sure as you and I are sitting here, someone will interpret my vote today as a vote against unemployed steelworkers. Somewhere along the line, Mr. Stone, there will be

some misunderstanding of what Councilman Robinson said and what Councilman Robinson did. And I simply want the record to reflect all the issues that are at stake.

The Chair:

I vote aye but I'd like to clear the air in regards to unemployed people. The bill states unemployed, not steelworkers. I don't mean, Bill, because of what you said. So many people have said to me, "Why the steelworkers better than anybody else?" I said it isn't the steelworkers, it's unemployed people. Period.

The other, we're not asking that these people be absolved from paying taxes. We're just giving the time to make those payments somehow, somehow, in due time. Thank you.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2440

Report of the Committee on Planning, Housing and Development for January 26, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 1814

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 909, Section 909.06(b) Special Exceptions in use which may be authorized by the Zoning Board of Adjustment, by deleting "Amusement Arcade" from Exception No. 19, which includes athletic club and social club; and by inserting a New Exception No. 26 specifically for "Amusement Arcades" in "C3", "C4" and "C5" Districts." (AS AMENDED BY SUBSTITUTE)

Which was read.

Michelle Madoff:

There are a number of people in the audience who would like us to take this one bill separately. I wonder if you would do so?

The Chair:

Yes. If I may, in regards to discussion on the bills before we vote, the Chair takes the prerogative saying that I don't find any problem with any of the bills, but in regards to the bill you're discussing, Bill No. 1814, 903.02, under definitions, amusement arcade means any establishment with four or more mechanical or electronic device located for engaging in games of skill or

amusement. I would like to see that section re-amended because over the weekend I received several calls from people showing me where it's going to create a hardship and it's also going to cause unemployment. If I recall, formerly if you had six or more of these video-type machines you needed an arcade license. Now we're saying that if you have four or more of these machines you need an arcade license. So formerly, where they had five they didn't need a license and now if they have as many as four they're going to need a license. I'd like to see that part re-amended.

Mr. Woods moved to amend Bill No. 1814.

Mr. Flaherty seconded the motion.

Michelle Madoff:

Discussion. Under Section F-903, the issue that you just raised, Mr. Brown stated himself as a representative of the Zoning Board that he himself has four children and that he finds that is unenforceable, that there are so many places that will have four and I believe the question is from six to four, according to what I'm reading, not five to four. There were six previously and someone recommended five and we decided to go to four and there were people who said they'd like to make it three. We will absolutely lose control because these arcades will then spread out. Instead of having more than six in one place, we'll have four in one and five in another and so on. Or four, four, four. I don't think we ought to change that section because either we want to regulate arcades or we do not want to regulate arcades. And if we amend it, what is being told to us by the Zoning Board is that they have lost them in court, that they really have no handle on it and they need to confine the number of arcades.

Mr. Woods:

Mr. President, correct me if I'm wrong. I thought the original arcade bill said six or more becomes an arcade.

The Chair:

Right.

Mr. Woods:

If you could regulate it then —

Michelle Madoff:

You can't regulate four.

Mr. Woods:

That doesn't make sense. All I'm asking, I made the motion and Mr. Flaherty seconded it, it to leave it the same, six or more becomes an arcade.

Michelle Madoff:

It is the belief of the Zoning Board that people will probably not go to four. It will be easier to regulate under four. And if you make four the number then you can regulate. It becomes an arcade if there are four machines with a lot of youngsters standing around. It doesn't become an arcade, they feel, they have to have some basis so it's not unconstitutional. They'd like to make it three, but they think four is a better number than six.

Mr. Flaherty:

Mr. President, I have seconded Councilman Woods' amendment because I don't see what the difference is between six and four and I think it's certainly the trend in this City we're putting a lot of petty nuisance fees on people. We're bleeding a lot of people to death and I think it's starting to become inane. Now

we're talking about someone who has four video games is an arcade. That rationally makes no sense to me. I think this bill does its share of moralizing and that's what I think it is. It's going to keep our school children out of these, as some people may say, "evil arcades". I'm not all that concerned about it. I'm going to vote for it. But I'm not going to overkill and get into an idea of saying that four video games is an arcade.

Also, it's my understanding when we had the public hearing that there were no owners or taverns owners or cigar store owners that have arcades, none of these people were contacted in regard to the public hearing. I'm sure that that was an honest mistake, but regardless, this is a bill that certainly impacts that category of merchants and I think they should have been entitled to have their say at the public hearing. We are beyond the public hearing stage now.

The Chair:

On what Mr. Flaherty said, in regards to mom and pop stores I understand, and it's a fact no doubt, that they have rather great difficulty competing with supermarkets and therefore these video machines are their way of making up the difference in the income that they lose through the sales of the markets who obviously can sell at a cheaper price. It's really their lifeblood. It's the thing that saved them.

Mr. Woods:

Mr. President, it doesn't say video games to begin with. It says amusement arcade means any establishment where four or more mechanical or electrical devices are located engaging in games of skill or amusement. That means a jukebox, a pool table, then you get into video games or poker machines or whatever. You know, most bars, and I

hate to pick on bars, but they have a pool table and a jukebox and maybe a poker machine and two video machines. Do you mean to tell me that they're going to have to get an arcade license? It's a little ridiculous with this four. You're going to have every bar in the City coming in with an arcade license.

Michelle Madoff:

Mr. President, may I discuss my bill? I am not married to the concept of going from six to four. That really isn't the gut of the bill. The gut of the bill is the first page which came about when the people of Market Square and PPG, with Renaissance II, felt that it was inappropriate to have an arcade where we're having Renaissance II and the Zoning Commission took a look at the bill and said it is also inappropriate to have it next to churches or synagogues, elementary or secondary schools, close to another amusement arcade, public library, museum, concert hall or cultural center, senior citizens lounge or designated housing for elderly, public playground or park. That's the gut of the bill. I have really no very, very strong feelings, but I would like to address what I tried to address before you jumped the gun on me.

There are a lot of people here today concerned with arcades. This gets back to an issue, and I want you to hear it folks, Mr. Perry, how was this hearing advertised? Would you address the people in the audience? In the legal notices?

Mr. Perry:

In the Press legal notices.

Michelle Madoff:

How many times have I raised the issue of a public hearing being advertised

in the legal notices in such small print that unless I wear my bifocals and my magnifying glass I can't read them?

Mr. Perry:

If you want to change it, I'll change it. But I'm following the law.

Michelle Madoff:

Mr. Perry, this is not a criticism of you. The problem is one that you are obeying the law. Is that correct?

Mr. Perry:

That is correct.

Michelle Madoff:

And the law says all you have to do is put it in the legal notices and who reads them? So, what happened is that these people feel very disenfranchised that on an issue that concerns them greatly they never had a chance to be heard. Is that correct?

Now, I think this exemplifies, maybe it's not the most burning issue in the City, the fact that we disenfranchise people because we don't have either press releases or we don't have display ads, perhaps on the comic pages where people will be sure to read them or across from the horoscope, or maybe the sports pages.

I think we need to see a resolution before Council on that. I've asked for it several times and it's been defeated several times, but I'll try again. Would you prepare that for the 1983 year, that we now have display ads as opposed to just little notices in fine print? I am willing to yield on the — Mr. Flaherty, Mr. Woods?

Mr. Woods:

What's that, Michelle?

Michelle Madoff:

I realize when I speak it's not terribly important, but I'm trying to support you.

Mr. Woods:

I didn't hear what you said, Michelle. I'm starting to get like you and talking when other people are talking. I'll get up and walk around, too.

Michelle Madoff:

If you have something important to do I certainly welcome you doing that.

I'm saying that I am not married to the concept of —

The Chair:

We know you're not married. We read it in the paper. I'm sorry.

Michelle Madoff:

Are we already to do business? The issue is not the lowering, I have no great feelings about remaining at six, Mr. Woods. That is not my problem and if the President would like to make that as a formal resolution to remove paragraphs 771.04 and 903.02, Sections E and F, F also goes to four or mechanical electronics, I accept that as a motion. Did someone want to make that as a motion?

Mr. Stone:

Hold on. It needs more than that. It needs Section 909.06(b)26, then your E and F, you have to pick up the next one. 903.02, Definition. It's the

same thing. That has to change as well. That's why I was trying to look at the original bill.

Anywhere we have a reference from six to four has to change.

Michelle Madoff:

We've looked at it and it's the third page and it's all E and F.

Mr. Stone:

But look down below, Michelle, right before Section 2. There's another section there to which there's an A under it. It starts the alphabet all over again.

Michelle Madoff:

That's under F. That's E and F. That falls under F, Definition. 903.02 is (a) under F. That's why we're taking E and F. That's (a) under F.

Is that a motion, Mr. DePasquale? Are you making that as a motion?

The Chair:

Yes, but I see what Mr. Stone is saying. You have it under 909.06 —

Michelle Madoff:

No sir. It's under E and under F. (a) is under F.

Mr. Stone:

I don't think so.

Michelle Madoff:

It can't be E, F, A. The alphabet doesn't run E, F, A, Mr. Stone. It's E, and there's a section that's F and under Section F there's a section (a) and we're

removing that.

The Chair:

Why don't we make the amendment to read to delete any section changing the term licensing arcades from four back to six. We're changing it from six to four. We want to delete that and leave it the way it was before. Six or more constitutes an arcade.

Michelle Madoff:

Okay. Now, before we vote on the bill we're going to vote on the amendment first? Let's do that.

Mr. Woods moved to amend Bill No. 1814.

Mr. Flaherty seconded the motion.

Which motion prevailed.

The Chair:

And on the bill itself?

Michelle Madoff:

Mr. President, this bill addresses itself essentially to locations and zoning, period. The bill only addresses zoning and we're going to vote on that. However, there is another bill being prepared that is going to be submitted under the licensing sector which will address to issues. One that children of school age cannot frequent the arcades and I've talked to the people here today and they assure me they have done as Carrick has done in the community representation. They just don't let young people in during school hours but they feel the same responsibility and I'm delighted to hear that.

Now, that will be handled as a separate bill under license. And in that

bill it has been recommended by one of the arcade owners that we also say that no one of school age can frequent an arcade where they sell alcoholic beverages. I believe that is already part of the law but we're going to try to strengthen that because they can go in and play the games even though they don't drink, but they're being exposed to that element.

But that will be a separate bill not to be addressed today. Today it's strictly on the zoning. Can we vote on that?

Mr. Flaherty:

In regard to today's bill, it is going to grandfather all current establishments, correct?

Michelle Madoff:

That is correct.

Mr. Flaherty:

So they are not going to be —

Michelle Madoff:

That's correct. That's why this bill was introduced because we couldn't stop the arcade, that big splashy one, going into Market Square. And this is why this bill, hopefully, was put through in a hurry, to stop any more going into that kind of area.

The Chair:

I'm not an expert on Liquor Control Board rulings, but I believe there is a section that states that no minors can even go into a bar. And I know that on occasion minors go into a bar that serves food and order food, they weren't allowed to eat the food.

Mr. Flaherty:

You only have to be eighteen to work in a bar in any capacity.

The Chair:

I'm not talking about working. You can actually work in a bar and not be able to drink there. I understand that. I'm talking about the cases where people under eighteen years of age, or even twenty-one for that matter, go into a restaurant where they serve alcoholic beverages and they cannot be served unless they're with an adult. I'm talking about food. I'm saying that if a kid comes into a bar, the bartender can legally say, "I'm sorry, you'll have to leave".

Michelle Madoff:

Right. This is a two-prong bill. We could not handle the issue of students who are supposed to be at school in this bill. This is strictly a zoning bill. There is another bill being prepared and it will be here very shortly.

Mr. Robinson:

Mr. President, I'd just like to make a couple quick comments on Mrs. Madoff's concern relative to school children. As Council is aware, and I will have my comments brought forward from Wednesday to substantively address that issue, but I did have occasion to speak to a Mrs. Jean Fink who is the Vice-President of the School Board concerning this matter and I think consistent with what I have suggested, she suggested that the City of Pittsburgh contact the principals in the schools and in the middle schools to identify what they are doing in this regard because, certainly, the School Board is aware of the problem and the principals of the high schools and middle schools have the power to address

this concern. Again, I think that we should also be aware, and I discussed this with Mrs. Madoff, there is presently before the United States Supreme Court a case that deals with the whole issue of video arcades and restricting their placement, who can go in, etc. It would seem to me that before we moved to draft any kind of legislation restricting persons from entering video arcades and playing the machines that we might want to identify at what stage the lawsuit is that is before the United States Supreme Court, if for no other reason, that we don't waste a lot of time and money, where a case is before the Court and the resolution of that case might give us some direction.

Again, I would hope that members of Council and the people in the Administration who are concerned about this problem would give the School Board ample opportunity to address it because the basic responsibility for youngsters of school age during school hours does fall with the School Board.

Michelle Madoff:

May I respond to that? I just read, I believe it was this morning's or this weekend's paper, that there is a tremendous shortage of truant officers and there's no way the school's are presently supervising their own students who are not attending and what we're just doing is putting a little muscle into the bill and supporting our community groups who came here and uniformly, across the board, testified that they do not want youngsters in arcades. They do not want their children in arcades and I think that by putting that in the licensure section of our regulations we will not be hurting anything.

I have the same letter you have, Mr. Robinson. I believe you're referring to the letter from the Zoning

Commission signed by Mr. Pellegrini giving a legal opinion suggesting we wait until Alladin's Castle versus the city of Mesquite comes down with an opinion.

Either we're leaders or we're followers and I think we ought to be leaders. We care about our kids and I don't want to wait for anything that comes down because if our Administration, in it's infinite wisdom, after the courts have ruled that people can have self-service stations uses tax dollars to go and fight that, then they can fight to see that our children are kept out of places they shouldn't be.

These are two separate bills. Let's vote on the zoning bill today.

The Chair:

Are you offering an amendment, Michelle?

Michelle Madoff:

No, I'm not. I'm just answering Mr. Robinson.

Mr. Robinson:

I'd like my comments from Wednesday on Bill 1814 brought forward and also I'd like a copy of the letter that Mrs. Madoff and I made reference to.

(BEGINNING - MR. ROBINSON'S REMARKS - BILL NO. 1814 - 1/26/83)

Mr. Robinson:

I have some comments. Mrs. Madoff made reference to a letter that was forwarded to members of Council. Inasmuch as my name is made reference to in this letter, I think it would be appropriate for me to comment, because I think the letter is giving a misrepresentation of what my position is.

My position on the matter of youngsters being in video arcades and whether or not we have jurisdiction over them being in there is on the record from before, and I will stand on those comments; but I would like to say that I think it would be appropriate for me to read the section of this letter which I think gives this representation. Both Councilman Woods and myself are mentioned, and I won't presume to speak for Ben Woods. I will speak for Bill Robinson.

The letter begins, "Ladies and gentlemen," and I will only read the paragraph I have question about. "The recently published skeptical comments of Councilman Bill Robinson and Ben Woods notwithstanding, truancy is a serious problem in Pittsburgh, and a great deal needs to be done about it. Our request, which is backed by over 200 signatures of residents in the Homewood-Brushton area, is an honest, legitimate attempt to require the business sector to comply with state compulsory attendance laws."

First and foremost, I am very much aware of the truancy problem in our schools. I think anyone that has two eyes can see that too many youngsters are not in school. Many of them are bold enough to stand right outside the school building during school hours, so I am more than aware that truancy is a very serious problem.

I also recognize that truancy is a serious problem when it relates to young people frequenting video arcades. I was in a video arcade myself last Monday morning playing a Pac-Man machine and there were two youngsters there who I'm pretty sure should have been at Peabody High School, and they were having a good time, so I recognize the problem as one who plays Pac-Man machines and sees youngsters there during school hours. Needless to say, I was on my own time, I

am an adult, and I am responsible for myself.

I think also it should be noted that when the issue came up in this Council, I made reference to the petition that was forwarded to us making the demand that we pass some kind of law to restrict young people in video arcades. I said I didn't think we ought to put any undue pressure on the businesspeople to make them enforce the laws around youngsters going to school. I still stand by that.

I also indicated I felt it was the primary responsibility of the Pittsburgh Board of Public Education to make sure that youngsters are in school during school hours. I think if you read the law, particularly Purdon's 24, which our Solicitor and I'm sure Mr. Stone are aware of, it very specifically speaks to the issue of a school code. I discussed this matter with Mr. Pellegrini at some length, discussed it with him this morning. Also, I sent a letter to a number of petitioners indicating that I felt that they first ought to approach the School Board to address the issue of jurisdiction and that they also ought to look for some remedy other than trying to get business owners to restrict youngsters. I also indicated in that letter and to this Council that I didn't think our zoning laws were the appropriate place to try to find a remedy. I think Mr. Brown's comments and Mr. Pellegrini's comments substantiate my position from the very outset around the zoning laws. The zoning laws are not the appropriate place to do this, and I certainly am more than willing to make do what can be done to make sure young people are in school during school hours; but I still think, if for no other reason, out of respect, we should get some official word from the School Board. I have written to Dr. Wallace on this matter. I also wrote to Reverend Elmer Williams, who

represents District One School Board, which is Homewood-Brushton, East Liberty. I have not heard from them. I am sure they are concerned about this matter.

I hope as this letter is entered into the record that my comments also will follow this letter so that no one is misled that Councilman Robinson made some skeptical comments about truancy. My comments are on the record. I will stand by those comments, and I have no problem with trying to do what we can in City government to make sure the young people attend school.

(END - MR. ROBINSON'S REMARKS -
BILL NO. 1814 - 1/26/83)

(LETTER - 1/25/83)

TO: Members of Pittsburgh City
Council, Mayor Richard
Caliguiri and D. Pellegrini,
Solicitor, City Law Department

FROM: Mae Norris, Patti Martin,
residents of Homewood-
Brushton, City of Pittsburgh

DATE: January 25, 1983

RE: Restrictions on businesses with
video games from allowing
children of compulsory school
age to patronize them during
school hours

Ladies and Gentlemen:

The recently published, skeptical comments of Councilmen Bill Robinson and Ben Woods notwithstanding, truancy is a serious problem in Pittsburgh and a great deal needs to be done about it. Our request, which is backed by over 200 signatures of residents in the Homewood-Brushton area, is an honest, legitimate attempt to require the business sector to

comply with the State Compulsory Attendance laws.

We tend to agree with the comments of Dennis A. Leone, spokesman of the Alexandria Virginia Public School System, when he told an Alexandria Journal reporter on October 9, 1975:

"For the most part, truants have been left alone. In the past, truancy has been considered (just) a school problem. (Now) society is beginning to realize that truancy is more than just a school problem."

Regarding the issue of cooperation from the business sector in fighting truancy, research reveals that there is much precedence, both locally and nationally, in this area. For example:

- Before the Crimes Code was amended in 1972, there was a provision in the School Code (Sec. 3501) making it a summary offense for an owner, or an agent, of a motion picture theater to permit children to attend during school hours.
- A Baltimore City ordinance (1046) prohibits any "operator of an establishment or his agents or employees (to) knowingly permit any minor between the ages of 6 and 15 years, inclusive, to remain upon the premises of said establishment between the hours of 9:00 a.m. and 2:30 p.m. during any school day unless he has written proof from school authorities excusing him from attendance at that particular time or unless accompanied by a parent or guardian or a person 21 years of age or older."

An October 7, 1975 article in the Alexandria (VA) Gazette identifies "a store owner" and "an apartment manager" as persons who called the police to pick up two truants.

Again, we say that combatting truancy requires the effort of parents, teachers, school administrators, police, business people and public officials. As Mr. Leone said, "Truancy is more than just a school problem".

Very truly yours,

Mae Norris
Patti Martin

(END - LETTER)

Mr. Robinson:

I'd just like to make one comment on that. I'd just like to indicate that because there seems to be some difficulty with our Solicitor's Office serving two masters, Council and the Administration, I raise the issue of these letters so that whatever we attempt to do, we still try to do it in a cooperative fashion. From what I understood of the letter, the Solicitor would not be available to assist us in preparing the kind of legislation that both you and I think are necessary and I think the record ought to reflect that, that if we have to do that without the help of the Solicitor, we should put it on the record that he feels we should take another course. But I support your efforts and once the legislation is drafted I'd be more than happy to support it.

Michelle Madoff:

Mr. Robinson, I probably couldn't get five votes out of this Council but perhaps you could, that we have our own attorneys look at it.

Also,

Bill No. 2364

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, 'Zoning', Chapter 911 'Fee Schedule', Section 911.01 'Fees Established' by increasing the Fee from \$4.00 to \$6.00 when filing certain applications for an occupancy permit and by Amending Title Ten, 'Building', Chapter 1009 'Permits, Certificates and Fees', Section 1009.15 'Fees' by establishing a fee of \$25.00 for the Annual Recertification of Group Care and Group Residence Facilities."

Which was read.

Also,

Bill No. 2366

A Resolution entitled, "Resolution amending Resolution No. 1445, approved December 29, 1981, entitled, 'Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program', by adjusting a project line item authorization."

Which was read.

Also,

Bill No. 2367

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1131 Sheffield (22R214), 1133 Sheffield Street (22R215), 1419 Page Street (007B171), 1440 West North Avenue (007B323), 1225 West North Avenue (0007C015), 1118 Liverpool Street (22L224), 1607-13

Sedgwick Street (22L092-22L090), 1406 Columbus Avenue (22F255), 1104 Bidwell Street (22R184), and 1240 Liverpool Street (22L260) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 2368

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structure at 23 Market Square, (Block and Lot 1-D-127) in the Market Square Historic District in the 1st Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2441

Report of the Committee on Supplies for January 26, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2362

A Resolution entitled, "Resolution providing for the letting of a contract or contracts or the use of existing contracts for the furnishing and delivery of office equipment and furniture for the Bureau of Building Inspection, Department of Fire, Code Account No. 1478, Equipment and for the payment thereof."

Which was read.

Michelle Madoff:

On Bill 2362, I see our Supplies Director sitting in the back, and he's given me his word that he's going to start looking at buying repossessed equipment in good condition and here we have \$18,800 to be spent, and I understand it's not for anything very special or unique, for office equipment and I think this is a perfect example of how the City could really save some money.

Mr. Woods:

I'd like to make a comment also. The contract comes through the Supplies Department but that happens to be for the Department of Fire, so I suggest that you talk to the Department of Fire and ask them to go out and look for used equipment then that contract will come through my department. Thank you.

Michelle Madoff:

We asked the firemen who were here the other day, I don't think you were here last week, they were here and we asked them what kind of equipment, whether it was special equipment.

Mr. Woods:

But understand that it just comes to the Supplies Department. We don't pick it out. They pick it out, what they want. You make reference to Mr. Jacoby back there and you shouldn't. He only hands out the contract for what other people want. That's what I'm referring to.

Michelle Madoff:

Mr. Woods, this Council ought to be unanimously trying to save funds. I think we all agree on that. And with the repossessions we can get tables that are ten times as good as what we would pay for and desks and chairs that are a hundred times better than what we could afford to pay in the City for ten cents on the dollar. Do you disagree with that, Mr. Woods?

Mr. Woods:

No, Michelle, I really agree that we should save money. That's why I don't want to go for fiscal officer and for our own attorney —

Michelle Madoff:

I know you don't want a fiscal officer so we could save some money. I realize that. But if we want an office and a desk or anything —

Mr. Woods:

Fifty thousand a year for a grants person?

Michelle Madoff:

I certainly hope we have a grants person, a full time lobbyist and a fiscal officer for this Council so we can save money. I don't imagine the public would not want a fiscal advisor for Council.

The Chair:

Can we please vote on the bill?

Michelle Madoff:

Mr. Woods raised it. I didn't want to let his pearly words go unnoticed.

Also,

Bill No. 2373

A Resolution entitled, "Resolution amending Resolution No. 869, approved August 24, 1981, effective August 31, 1981, entitled, 'Providing for the letting of contracts and the use of existing contracts for the purchase and delivery of Various Radio Equipment for the Department of Supplies of the City of Pittsburgh, and providing for the payment thereof.' by increasing the amount by \$72,887.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens

Mr. Robinson
Mr. Stone

Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2442

Report of the Committee on Water for January 26, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2337

A Resolution entitled, "Resolution amending Resolution No. 637, approved June 18, 1982, entitled, 'Providing for a contract or contracts for the Relay of the Water Line in South Pacific Avenue and providing for the payment of the cost thereof,' by decreasing the appropriation therein."

Which was read.

Also,

Bill No. 2338

A Resolution entitled, "Resolution providing for a contract or contracts for the Relay of Water Line and Appurtenances in Various Locations; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2443

Report of the Committee on Parks and Recreation for January 26, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2343

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Opera, Inc. for the furnishing of performances to the residents of the City of Pittsburgh during 1983, and providing for the payment of the cost which is not to exceed \$11,000.00 and is chargeable to

and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2344

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Ozanam Cultural Center for the furnishing of professional services to the residents of the City of Pittsburgh during 1983 and providing for the payment of the cost which is not to exceed \$35,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2345

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to enter into an agreement or agreements with the Pittsburgh Symphony to provide free concerts in Point State Park this summer."

Which was read.

Also,

Bill No. 2346

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Robert Morris College for the services of the group named Pittsburgh Folk Festival during 1983 and providing for the payment of the cost which is not to exceed \$6,000.00

chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2347

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Three Rivers Arts Festival of Carnegie Institute for cultural entertainment during 1983 and providing for the payment of the cost which is not to exceed \$12,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2348

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Duquesne University for the furnishing of dance performances to the residents of the City of Pittsburgh during 1983 and providing for the payment of the cost which is not to exceed \$12,500.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2349

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with the Champions Association for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2350

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Uptown Little League for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2351

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Uptown Athletic Association for professional services during 1983 and providing for the payment of the cost which is not to exceed \$5,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2352

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Wind Symphony for the furnishing of professional services to the residents of the City of Pittsburgh during 1983, and providing for the payment of the cost which is not to exceed \$25,000.00 and is chargeable to and payable from Code Account 1833, Recreational Activities, Concerts, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2353

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh-Allegheny County Cultural Alliance for professional services in conjunction with the coordination of cultural activities during 1983 and providing for the payment of the cost which is not to exceed \$20,000.00 chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2354

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Civic Light Opera for professional services during 1983 and providing for the payment of the cost which is not to exceed \$9,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the

Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2355

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Ballet Theatre for the furnishing of performances to the residents of the City of Pittsburgh during 1983, and providing for the payment of the cost which is not to exceed \$20,000.00 and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2356

A Resolution entitled, "Resolution amending Resolution No. 1229, effective January 1, 1980, as amended, entitled, 'A resolution adopting the 1980 Capital Budget and approving the 1980 through 1985 Capital Improvement Program', by transferring monies from the Southside Riverfront Park to a Project Specific Trust Fund."

Which was read.

Also,

Bill No. 2357

A Resolution entitled, "Resolution providing for a contract or contracts or the use of the existing contracts for bituminous and concrete paving and fence installation at various Park locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2369

A Resolution entitled, "Resolution directing the Director of Parks and Recreation to develop and implement the necessary and legal procedures to assure local, Pittsburgh-based vendor participation in City of Pittsburgh sponsored or sanctioned sports, cultural, recreational and festival events."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2444

Report of the Committee on Lands and Buildings for January 26, 1983 transferring one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2330

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the installation of three (3) anchors together with guy wires and other necessary appurtenances thereto on City property fronting on Chicago Avenue, 26th Ward."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, this morning at 10:30 there was a scheduled meeting in Mr. Robinson's office to discuss what we were going to do about the cable

coverage and as I stated before and as appear in the media, I see no reason why we have to be discussing it because it already passed. I have a copy of the transcript from Mr. Perry dated, I believe, October 20, 1982. On October 20, 1982, this Council agreed that we would not only cover our Finance Meeting on Wednesdays but our final vote on Monday afternoon and that we would cover the post agenda meetings. There was some discussion subsequently because I had originally recommended that we cover the budget hearings and the budget hearings were going to be so voluminous that we would wait until the first of the year to cover other hearings. The issue has come up about should we cover post agendas, and I agree with Councilwoman Masloff that when there is a hearing where nobody is objecting to a zoning, it is a waste of everybody's time. Or if somebody wants to ask about their own property being picked up, that's a waste of time. But when Mr. Stone said, "I've been trying to get information on a fire station" or Sophie says, "I've been trying to get some information on a salt retainer" or when somebody wants to get some information from somebody at a post agenda hearing, the public has the right to know what really goes on on this Council and how we come to conclusions, not just reading a resolution and saying aye or nay and having a little debate on the subject but seeing what the input is from the Directors.

Either we go ahead and start to televise the post agenda hearings where the people can see what is really happening so we don't keep information from the public other than innocuous hearings, and by innocuous I mean something that nobody is objecting to, I'm being redundant but I want to be very clear, then I will take legal action and I have told Brother Richard it's not a personal thing but it is a matter of

seeing that the public's right to know is not impacted on. I think Mr. Robinson and I had a discussion on this today and perhaps he would like to comment on my comment.

Mr. Robinson:

If I might, Mrs. Masloff and Mr. Woods and I did meet and I believe that each member of Council received a copy of the contents of that meeting. We were supposed to meet this morning. Unfortunately we were unable to do so. At that meeting, we did agree that we would cover all standing committee meetings, all meetings that Chairpersons of committees called if it was a regular scheduled meeting, that we would handle all hearings, but that we would reserve any decision on post agendas until every member of Council had an opportunity to respond. It was our collective opinion that the post agendas perhaps, perhaps, are covering materials that can be secured from the Department Heads or the Mayor's Office or perhaps there's another way to address that issue, but rather than us as a committee say yes or no, we were inviting other members of Council to review our decision and also to particularly give us some input relative to post agendas.

Mr. Woods:

I'd like to say something. Michelle referred to a transcript of minutes. I would like to see the original bill where it said what would be covered by Council that this Council passed by a majority. Then if any member of Council wants to sue, that's your prerogative.

Michelle Madoff:

Mr. Woods, let's be very succinct and let's get to the bottom line. Do you think the public has the right to know

when we have post agenda meetings that are not on one person's information they can get privately but on a subject that Mr. Stone has raised, issues you've raised, Mr. Givens has raised, Mr. O'Malley on self-service stations, etc., etc., on substantive issues they —

The Chair:

I think we should discontinue that type of conversation.

Mr. O'Malley:

Mr. President, if I'm correct, a few weeks ago I introduced a piece of legislation that passed this Council that we set up a panel chaired by Sophie Masloff who is on the Cable Committee, to set rules and guidelines that this Council is to follow and to make recommendations.

The Chair:

And Mr. Robinson and Mr. Woods are on that panel.

Mr. O'Malley:

Right. And I think that we ought to refrain from discussing this until these rules and regulations and the guidelines are brought before us so we can look them over.

Michelle Madoff:

In 1984. We'll wait until 1984, folks. You stay in the dark until 1984, don't worry about it.

Mr. O'Malley:

I'm not finished. The reason I introduced this legislation is because I think we need rules and regulations to keep people from grandstanding on this Council.

Mr. Flaherty:

We're going to get into censorship now.

Mr. O'Malley:

We're not going to get into grandstanding.

Mr. Stone:

Mr. President, I don't know whether we had a full moon last night or whether it was the start of TV today, but I think this meeting has been long enough.

And on the motion of Mr. Stone

Council adjourned.

Municipal Record

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, February 7, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

There are a few resolutions that we'll read first since there's quite a few people here that are recipients and interested in them.

Michelle Madoff:

It's with great pleasure that I present this resolution today and I believe that our honoree is not here because her plane won't be in until later this week. So, we're going to have her mother, Louise Hyman, Jean Hyman and Richard Stern from Heaven step up here. That's not the Heaven where you go to leave Council, it's where you go to have a good time while you're still on earth.

Michelle Madoff presents

Bill No. 2486 WHEREAS, Phyllis Hyman has attained prominence and acclaim as a singer and performer; and

WHEREAS, Ms. Hyman appeared on Broadway in the Tony Award-winning musical Sophisticated Ladies, received the prestigious Theatre World Award for most promising new talent, played a cameo role in Bob Fosse's Lenny, was the featured vocalist on the two movie scores, The Fish That Saved Pittsburgh and Children of Sanchez; and

WHEREAS, Ms. Hyman's albums include, Phyllis Hyman, Somewhere in My Lifetime, You know How to Love Me, and Can't We Fall in Love Again, her most successful LP to date; and

WHEREAS, Ms. Hyman grew up in St. Clair Village in Pittsburgh, sang in All-City Choir at Carrick High School, received the first music scholarship given by Robert Morris Business School, and worked as a legal secretary at the South Side office of Neighborhood Legal Services before leaving to tour with the New Direction, perfected her singing style and stage presence in Miami, and then progressed on to New York; and

WHEREAS, Phyllis Hyman will appear with a full orchestra, live on stage, at Heaven on Thursday, February 10, for two performances at 7:00 and 10:00 p.m.;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh, on behalf of the Citizens of Pittsburgh, hereby join the family and friends of Phyllis Hyman in declaring the week of February 7 as "Phyllis Hyman Week" in recognition of her outstanding achievements in the field of entertainment and do hereby recognize her as an outstanding citizen of Pittsburgh.

Michelle Madoff moved to approve the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

I had the pleasure of seeing her on Broadway. It was a great show and Ms. Hyman was terrific. If you get a chance, take it in. Thank you.

Mr. O'Malley:

I'd like to ask Mr. Bill Conway to step up, please.

What we're going to do with this resolution, I think for the third year in a row, we're going to proclaim February 6 through February 13 as National Crime Prevention Week here in the City of Pittsburgh. What this is to do is to honor all the community people who have volunteered their time and their efforts to make the City of Pittsburgh and our streets a safer place to live.

I've been working with Bill now for almost three years. And in those three years we have established over 600 block watches in the City of Pittsburgh. We have over 10,000 people participating in our block watch program. Where we have an effective block watch, we've noticed a reduction in crime from anywhere from five to thirty-two percent.

Mr. O'Malley presents

Bill No. 2487 WHEREAS, February 6th through February 13th is National Crime Prevention Week; and

WHEREAS, decreases in Federal and State funding of Social Service Programs will ultimately lead to an increase of crime; and

WHEREAS, the city must rely on community projects such as the Neighborhood Block Watch Program to fill the void being created; and

WHEREAS, these programs are staffed by volunteers who get no compensation and very little recognition.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of the Council of the City of Pittsburgh hereby proclaim the week of February 6th through the 13th, 1983 as "Crime Prevention Week" throughout the City of Pittsburgh and express our

appreciation to all the community volunteers who give of their time and money to fight crime in their communities.

Mr. O'Malley moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Conway:

Thank you, Councilman O'Malley. I would like to point out that this is the fourth year that there has been a local observance in Pittsburgh of National Crime Prevention Week. This is the third year that I have appeared before Council accepting such a resolution.

There are some other individuals here that I'd like to call special attention to. Other members of the Coalition and they include Mary Alice Babusci from the Center for Victims of Violent Crimes and also Beverly Lovelace from Neighborhood Centers Association which is working on the North Side. We have a special guest, I understand, who has just flown into town and you've seen him on the billboards all across the county, and that is McGruff the Crime Dog. I'm very happy that he could make it today. Thank you.

Mr. O'Malley:

I'd also like to acknowledge one of our community relation officers, Carl Burns. Carl has done an outstanding job in the Oakland area. I'd like to say that it's because of our community relation officers and the dedication of people like Carl Burns that we are having a reduction in crime and that we are making our streets safer for our people to live and to walk and to work.

Michelle Madoff:

Mr. O'Malley, I think you're to be commended and I hope that by having this on cable people will get in touch with you or any other member of Council will forward it to you if they want to do something about having a crime watch set up in their area. I think this is why putting this on the government station is so important. You have a chance to talk about what you've done and also to help those who want to do it.

Mr. O'Malley:

I'd just like to add that if anybody who's watching this program would like to set up a block watch in their neighborhood, they're welcome to call my office and we'll send out all the needed information.

The Chair:

Congratulations, ladies and gentlemen.

Mr. Robinson:

Mr. President and members of Council and guests assembled here, for the fifth year I am introducing into Council a resolution to recognize February as Afro-American History Month. This is done to not only have the City participate in this significant celebration, but to share with many people, the history and heritage of people of African ancestry which covers more than 600,000 years.

Today with us are Miss Emma Lucas, who is the President of the Pittsburgh Chapter of the Association for the Study of Afro-American Life and History, an organization of which I am very proud to belong. I would like Miss Lucas to come forward.

Also with her today is Miss Patricia Rodriguez, a student at Chatham College, and Mr. Rodney Regan, a recent doctoral student who has been accepted to attend Atlanta University. Would both of them come forward?

As has been our custom in the past, and with Council's indulgence, after the reading and accepting of the resolution we've always had a very small presentation so that our public record will reflect some of the rich heritage of people of African ancestry. I'd like at this time to read to Council the resolution.

Mr. Robinson presents

Bill No. 2488 WHEREAS, Afro-Americans have been an integral part of this nation, this state, this country, and this City's history for more than three hundred years; and

WHEREAS, the first week of the month of February has been traditionally designated to recognize their many deeds and accomplishments; and

WHEREAS, many distinguished Afro-Americans made history as residents of our City, such as Dr. Martin R. Delaney, Louis Woodson, George B. Vashon, Henry Ossawa Tanner, Robert L. Vann, Daisey Lampkin, Dr. Alma Illery, Honorable Homer S. Brown, Honorable Paul Jones, and Percival L. Prattis; and

WHEREAS, in February, 1926, Dr. Carter Godwin Woodson, the Director of the Association for the Study of Negro Life and History, launched the celebration of Negro History Week; and

WHEREAS, this celebration has been expanded to a full month of recognition; and

WHEREAS, throughout the nation, distinguished and honored people of African ancestry will be honored during Afro-American History Month.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh on behalf of the citizens of the City of Pittsburgh, shall recognize and observe the month of February as Afro-American History Month.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Is there a show going on at the University, Mr. Robinson.

Mr. Robinson:

I believe that each member of Council has received a copy of a program prepared by the Association of Afro-American Life and History. Miss Lucas might be able to illuminate on your question. Miss Rodriguez and Mr. Regan, with Council's indulgence, would like to make a short presentation.

Miss Lucas:

With response to that question, on Saturday the 12th, at 12:30 at the Carnegie Library in the Hill District, we will have a program. On that program we will feature a paper by Doctor Edwin McKenzie on Daisy Lampkin, who is a Pittsburgher, and many of you may have heard of her. We will be highlighting her contributions and we ask that you join us on Saturday.

Michelle Madoff:

Thank you.

Miss Rodriguez:

Black Contributions To History. Many black people have contributed to the historical foundation of our country. You know their names, they are now recognized as national figures who have helped bring change to our society. People like Martin Luther King Jr., Rosa Parks, Thurgood Marshall, Frederick Douglass, Harriet Tubman, Jackie Robinson, just to name a few.

They didn't start out with the intention to etch their mark on society but destiny decreed that they would be remembered by us all because their personal dreams were seeds that grew and spread to a nation.

Many of them came from humble beginnings and later were thrown into national prominence for their efforts on behalf of black people everywhere. We must all remember as we celebrate Black History Month in February that change that benefits everyone can begin anyplace where people decide to exercise control over their own fate, no matter how humble their origins or their race.

Historical change has happened right here in Pittsburgh. Pittsburgh, too, has had its own black contributors, some who reached national prominence and some who didn't. Only time will tell if these black Pittsburghers will be remembered in the history books. If not, their lives will still be bright memories in the minds of this community.

Who are these black contributors from Pittsburgh? Let me share their names with you, in case you are not already familiar with them.

First, there's Robert L. Vann, who desired to see a black community newspaper and struggled to see his dream fulfilled. He founded the Pittsburgh Courier, one of this country's first black newspapers.

Your may say he was not a Martin Luther King Jr., who spurred the conscience of a nation. And I would say, not true. Did you know that in the early 20's Mr. Vann's fiery editorials in the Courier were instrumental in completely changing the voting habits of 85% of this country's black people. Not many politicians can lay claim to that type of feat, even today.

Then there's Daisy Lampkins, one of the few early black socialites who believed in men like Robert L. Vann and helped to financially support the creation of the Courier. She may not have had the quiet reserve of Rosa Parks, but she offered not only funds but physical backing. Mrs. Lampkins personally went out and got subscriptions, not just here in Pittsburgh but traveled throughout the South to do the same, boosting the paper's circulation to national levels.

Yes, there's many more black contributors whom I could name like Homer S. Brown, an attorney who became Pittsburgh's first black judge, K. Leroy Irvis, Legislator, and former Legislator Joseph Rhodes who began his education at Westinghouse High School. There are musicians like Earl "Fatha" Hines, Georgie Benson, and Walt Harper. Athletes like Wilbur Stargell that call Pittsburgh home. Vocalists like Mary Lou Williams, Phyllis Hyman and Vivian Reed.

So, I ask you to remember black history is not just the acknowledgement of a race's past, but its contributions to its future. Remember too, the Pittsburghers who have played a positive

part in the past and present to that future, whether they are famous or not.

I have tried to highlight that positiveness in a photographic exhibit at Chatham College, titled, "Positive Images - A Photo-Essay of Black Men in Sepia-Tone". It portrays the positive aspect of the black man in many roles and occupations from the construction worker that helps to build Renaissance II, to surgeons like Dr. Lamar Cato and Dr. Howard Bryant performing surgery.

I invite all of you to see this exhibit which is presented by the Black Studies Program in observance of Black History Month.

It shows you what I could never tell you in words, what blacks are doing in making history, right now, here in Pittsburgh.

Thank you.

Mr. Regan:

On behalf of the Pittsburgh branch of the Association for the Study of Afro-American Life and History, it gives me great pleasure to deliver this presentation for Afro-American History Month. I feel that Afro-American History Month is of great importance because, for too long, both the heritage and past achievements of Afro-Americans have been ignored in the pages of history and this brings to mind the Pittsburgh woman we honor this month, Mrs. Daisy Lampkins. And it is through such events as Afro-American History Month that we can begin to correct the misconceptions concerning Afro-Americans, thereby helping all people understand America and its history much better. Justice and understanding will give the Afro-American their rightful place in American society, and this is why the

theme for Afro-American History Month is the United States Constitution and the black American.

Thank you.

Mr. Robinson presents

Bill No. 2489 WHEREAS, the City of Pittsburgh is committed to the concepts of equality of opportunity and due process for all the people of Pittsburgh; and

WHEREAS, the City of Pittsburgh continues to make real those concepts through its Commission on Human Relations, its programs to develop minority business, the Mayor's Task Force on Women and the implementation of fair employment practices; and

WHEREAS, the City of Pittsburgh is in compliance with the decree of United States District Court Judge Gerald Weber in regard to the composition of the work force for the Department of Police and the Department of Fire; and

WHEREAS, the City of Pittsburgh is still committed to equality of opportunity and due process for all of its people.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does request and strongly recommend that the Mayor, Superintendent of Police and the Solicitor refrain from initiating any action to disturb the decree and ruling of Judge Gerald Weber except upon a finding of facts to substantiate such action by the Commission on Human Relations, City of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

I don't understand that.

Mr. Givens:

I don't understand it either and my point is that there's a decree by the judge, a federal judge, in fact. I can understand what Bill is talking about. If there was a problem there then I think that problem, if anything, should come out by this Council. The judge made a decree and if the Administration is going to do something, I don't know what they can do other than the judge himself lifting this restraint.

Michelle Madoff:

My inclination would be to vote against it because I don't understand it. I'd like to know what we're voting on. Would someone care to explain it?

The Chair:

Bill, has there been any action in regards to violating that decree?

Mr. Robinson:

If I might, Mr. President, I think Council will remember that during our budget hearings and subsequent to that I raised the concern that many issues were being raised relative to our Police Department. One of those issues was whether or not the decree that Judge Weber issued relative to minority hiring and hiring of females possibly might be disturbed by the City of Pittsburgh and whether or not we might take the lead that some other cities had taken to try and have orders such as this one lifted. Certainly it is within the power of the

City of Pittsburgh to petition the court, and specifically Judge Weber, to lift his order. It's not a permanent order. It seemed to me that if indeed we are going to remain committed to equal opportunity and opportunity of advancement for all people in the City of Pittsburgh, then certainly we would not want the Mayor or the Solicitor or the Superintendent of Police to initiate any actions to lift this order until such time that our Human Relations Commission determined that the goals that were established by Judge Weber have been met. Certainly I think this is consistent with the purpose of the order. I think it's consistent with our long standing commitment to equal opportunity. And I think it also speaks to the whole notion that while many of us like to react to situations, certainly this Council has been an inactive posture on many issues and I think this is one that we ought to come forward and say where we stand relative to the issue of minorities and women being recruited and being adequately reflected on our Police Department. The resolution is geared directly towards that purpose.

Michelle Madoff:

Excuse me, may I ask a question? Mr. Robinson, would you have any objection to holding this a week so we have a little more detail on it? I'm just a little disturbed that I don't understand it and I don't like to vote in a vacuum. I know what you're trying to say, that we should have equality for everybody and you know I've always voted a thousand percent in that area. But I would like to see what the judge's decision was, how it pertains, what we were planning to do. I'm very confused. I thought we weren't going to touch it.

Mr. Robinson:

Judge Weber's decision has been in

effect for some time. The judge hasn't done anything since he issued the order. There has been some discussion in Council, and the record will reflect it, as to whether or not we are perhaps not being fair with other persons who want to apply, whose names are on the list who are eligible, but who cannot be selected because we need four eligibility lists - one black female, one black male, one white male, and one white female. Often times we do not have full lists for those four categories. Therefore, we are unable, by way of the judge's order, to recruit persons from those lists. It seems to me that certainly members of this Council have been well aware of what that issue is. Two of my fellow colleagues raised this issue last summer and we discussed it extensively and on several occasions, and I think the record will reflect this, that I have suggested that we not take any action to disturb that order until such time that we have the evidence that indeed the City of Pittsburgh's Police and Fire Departments reflect the population. This particular resolution, if you read the last paragraph, very specifically indicates that we don't want the Superintendent of Police, we don't want the Mayor, we don't want our Solicitor, engaging in any legal actions to try to vacate Judge Weber's decision until such time our Human Relation Commission determines that the facts will dictate that we do that. I think that's very clear and very much to the point.

One other concern, if I might. I think that Council is well aware that in both Boston and in New Orleans that this issue has come up in terms of actions taken by City officials and police departments to, in effect, reverse the trend towards trying to make police departments and fire departments representative of the populations that they serve. I just think that since this is a trend across the country there's no

reason for this City to stand around and wait for something to happen. I think that certainly being on the record and certainly being out front in terms of being in favor of equal opportunity, opportunity of advancement is consistent with what this City is supposed to be all about or what our public policy is supposed to be all about. It seems to me that if Judge Weber, in his infinite wisdom, decided that we needed to pursue a course of mandatory and compulsory recruitment, that until such time as he makes a decision that we should change it, that we should not be engaged in any kind of activities that disturb that order.

Michelle Madoff:

Then why did we have this resolution today?

The Chair:

I think it's rather clear, Michelle. I think the Councilman is one hundred percent correct. He's just asking that they don't disturb that decree.

Michelle Madoff:

We couldn't anyway.

The Chair:

What's a week's delay going to do? A week's delay isn't going to serve any purpose, it's not going to change.

Mr. Flaherty:

I have a question for Councilman Robinson. Are you aware of any initiative coming from the Mayor's Office, Bill? Or from our City Solicitor in regard to seeking relief from Judge Weber's decree?

Mr. Robinson:

I've raised that very question with Miss Melanie Smith who is our Director of Personnel and in charge of our Civil Service Commission. She indicated that she personally was unaware of any actions that might be initiated. I think that in order to be fair with everyone concerned and in no way to embarrass anybody, this is an issue of some sensitivity in this City. It has many ramifications. I don't believe that anything negative can come from this resolution particularly when we indicate that while we respect the right of the Superintendent and the Mayor and the Solicitor to make a determination as to whether or not they want to have that order vacated, we're asking them not to do that until our Human Relations Commission, which is well qualified to find fact in this regard, would indicate that there is such. I don't think that it's always necessary for us to have some act occur before we take action. As one who is very sensitive about this issue and one who believes that Judge Weber's decision was correct, I certainly would hope that we would do what we can to do several things. One, to make sure that our Police and Fire Departments adequately represent the people of the City, two, to make sure that we're on the right side of this whole issue of equal opportunity, and three, that we give due respect to those persons who perhaps feel that there's another way or other ways to make sure that everyone has an opportunity to serve the City of Pittsburgh.

Mr. O'Malley:

If I can pick up on that, if my memory serves me correctly, we asked that question, if the City had any intention to go back and find Judge Weber to try to have his order rescinded. Dave Matter, and I'm sure the record will reflect it accurately, Dave

Matter said in essence no, that the Administration had no intention of going back and asking Judge Weber to rescind his order and that the minority representation of the Police Department was actually comparable to all other officers.

It's my understanding that Judge Weber's order is to be in effect until the minority representation on the Police Department reaches the same proportion as minority representation of the population in the City of Pittsburgh. The Human Relations Commission, which Mr. Robinson is referring to, it would seem to me that their only input into this issue would be to see that Judge Weber's order is, in effect, carried through and that minority percentage of the Police Department reaches that of the population. I can't see the Human Relations Commission following through on any other type of documentation. And I can't see Judge Weber's order being rescinded until that percentage is reached.

Mr. Robinson:

If I might, Mr. President, I think perhaps some of my colleagues are missing the point. Certainly the Human Relations Commission, pursuant to the City Code, is well within their rights to initiate actions and to initiate actions relative to this whole issue of minority recruitment for police and fire departments. I don't think that there's any real doubt about that. Certainly the Human Relations Commission can be requested to intervene and I don't think there's any doubt about that. Certainly those people who feel aggrieved can go to the Human Relations Commission and ask for their assistance. I don't think there's any doubt about that. Whether or not there is presently any action planned by the Administration is a moot point, it's not really relative. What today

would appear to be not an issue, tomorrow becomes an issue. Today someone indicates that perhaps they're not going to do something and tomorrow they do it, and they do it be the rules. I don't have anything in front of me which indicates that the Administration, the Solicitor, the Superintendent of Police, or anyone else in City government, has no interest in vacating the order. I can think of perhaps several reasons why people should feel the order should be vacated. Perhaps they're good reasons. I won't argue the merit of those reasons. I personally think that certainly the Human Relations Commission and the integrity of the Commission is such that if indeed a finding of fact was necessary, they're well qualified to do that, well qualified to assist us. I don't think that we should put ourselves in a position where possibly we will take a backward step without utilizing all the resources that are available to us in the City of Pittsburgh. If indeed the City decides that they want to have that order vacated, this Council, more than likely, will not be involved in that process. And if we are involved, it will be only, only, after some action is taken. The Mayor, the Superintendent of Police and the City Solicitor are well within their rights to take an action to vacate that order. I'm simply suggesting to this Council that the long-range advantages to us of having minorities and women adequately represented in our Fire Department outweigh the disadvantages and that this resolution is an affirmation of our faith that indeed we will be able to provide equal opportunity for people who want to be police officers and who want to be firepersons in the City of Pittsburgh.

The Chair:

Councilman, I voted for the resolution and if I hear our colleagues correctly, they're saying that by law this decree can't be disturbed, therefore, why

the resolution.

Mr. Robinson:

That's not true.

The Chair:

Okay, I won't disagree with you on that. I'm just saying what our colleagues are saying. I think you get the message and I believe they get your message. So if we may, we voted already to approve it, does anybody want to rescind their vote?

Michelle Madoff:

Mr. President, I don't think we voted on it yet. It was just made as a resolution.

The Chair:

We voted.

Michelle Madoff:

Well, I asked that we did not vote as you were voting. It was done so quickly, because I didn't even understand it. And I don't think we should vote when we don't understand and a lot of people have asked questions. So, I think the vote should have been held until we discussed it.

I'd like to mention something. Are you aware, Mr. Robinson, that the police have promoted seven new policemen?

Mr. Robinson:

Yes, I am.

Michelle Madoff:

And that they're males?

Mr. Robinson:

Yes, I am.

Michelle Madoff:

There's a sentence here in your fourth paragraph, "Whereas, the City of Pittsburgh is still committed to equality of opportunity and due process for all people". I really think that the gut belongs right here in Council in that how we vote on the issues as they happen show how our sentiments lie. I can speak for myself that I have a one thousand percent voting record for minorities, women. I know that you do, and we know who on Council does and who does not. The only thing I'm concerned about on this is that we're stirring up trouble where trouble doesn't exist. I am going to support the issue of equality for everybody forever. And I'm just wondering what we're doing by this resolution. I don't quite understand.

But I'd like to ask you a question, if I may, Mr. Robinson, and I'd like the President of Council to answer me if he would, and I see Mr. Buckley is here. How many policemen did we budget for in the budget this year?

The Chair:

Thirteen forty.

Michelle Madoff:

I've got four different figures coming in.

Mr. Buckley:

Fourteen hundred.

Michelle Madoff:

We budgeted for fourteen hundred.

The Chair:

Thirteen forty.

Michelle Madoff:

We budgeted for thirteen forty. This Council felt there should be fifteen hundred police --

The Chair:

Michelle --

Michelle Madoff:

This is very important, bear with me for a moment, Mr. President, I've got a very important point to make about this bill.

This Council felt there should be fifteen hundred police. Council said we'd settle at fourteen hundred. We've only appropriated funds for thirteen hundred and forty. We have something around twelve hundred policemen and we're going to lose fifty by attrition and only one class put on that we can actually put on this year just by logistics.

Now, it takes six votes of this Council, are you listening folks, Councilmembers, colleagues? It takes six votes of this Council to get those policemen put on board. It takes five votes to pass and six to override the veto. And I say to you, Mr. Robinson, that we don't have equal representation, we still have that option through this Council. And I'd like to know what we're doing about getting some more police on Council. That's the issue. We have six votes. The issue is --

Mr. O'Malley:

The issue is the resolution brought up by Mr. Robinson. That's the issue that's on the table.

Michelle Madoff:

But the issue is that by six votes if the Administration decided we're not going to abide by Judge Weber's order, and I don't believe they are, then we still have the six votes --

Mr. Flaherty:

That's not true, Michelle. That's up to the Mayor's Office. They Mayor can do whatever he wants. That is not an issue that came through Council and if the Mayor, in his wisdom, asks for relief on Judge Weber's order, there is nothing in a legal or in an official sense that this Council can do. Six votes, nine votes, twelve votes. There's nothing we can do.

Michelle Madoff:

But, Mr. Flaherty, has he done that yet?

Mr. Flaherty:

No he hasn't done that yet.

The Chair:

If I may, Mr. Robinson made his resolution clear. There's no further discussion. We had a vote, if anybody cares to rescind their vote or change it, please do. Otherwise, the vote stands and the resolution carries.

Mr. Givens:

Mr. President, I'd like to make an amendment to this resolution if I might.

The Chair:

The resolution carried, Dick.

Mr. Givens:

I know. I would like to amend the resolution if I might.

The Chair:

With the permission of the maker of the resolution.

Mr. Robinson:

I will not accept any amendment.

Mr. Givens:

Let me then state for the record, if I might, Mr. President, what that amendment might be and if he does not want to do that then I'll put a resolution in this coming week. I agree with what Councilman Robinson is trying to say and I believe it's seven to eight years that this decree has been upon the City of Pittsburgh and my amendment would be, and I'm reading from the Be It Resolved part of his resolution, that the Council of the City of Pittsburgh does request and strongly recommend that Judge Weber make a complete and comprehensive report to this Council and to the Administration and its citizens on the effects of his decree and that we hold any action, be it from the Administration or anybody, until this report comes in from the judge. I think anyone who puts any type of restraints upon its citizens ought to then come back and using the help of this governmental body for whatever research work that the judge might want, for whatever funds he might want to evaluate what is happening right here. I think that report would be very reflective of what is the actual world in our Police Department on the streets of the City of Pittsburgh.

The Chair:

Mr. Clerk, would you see to

that? Thank you.

The Chair presents

Bill No. 2490 WHEREAS, President Ronald Reagan has begun to visit selected work sites to demonstrate his concern for working people; and

WHEREAS, President Reagan visited last February 1, a car factory in St. Louis; and

WHEREAS, President Reagan has declared at the plant that economic recovery has begun; and

WHEREAS, President Reagan has stated that economic recovery is like a seed whose germination goes unnoticed and then suddenly is visible everywhere; and

WHEREAS, Pittsburgh is in the winter of the economic depression with 14 percent of our area workforce unemployed and countless others seeing reduced wages;

NOW, THEREFORE,

BE IT RESOLVED, that the City of Pittsburgh formally invites President Reagan to visit Pittsburgh to show us the first sprouts of recovery. We particularly hope that President Reagan can find recovery at the steel mills of Hazelwood and the South Side.

Mr. Stone moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I think it's such an important resolution, how do you plan to proceed with it?

The Chair:

We plan, first of all, to write a letter to the President inviting him to come to the City of Pittsburgh. Fully bear in mind, we know it's going to be next to an impossibility. If he does choose three or four more cities to go to, Pittsburgh is just one of how many hundreds. Hopefully, he would include Pittsburgh in his itinerary so he can see first hand. We read and hear about the situation in Pittsburgh, but unless you actually see it like we do, you don't realize the situation.

Michelle Madoff:

Mr. President, I think what you are thinking about is while the national average of unemployment went down, Pittsburgh went up one point.

May I respectfully suggest that we ask the President to come or to send one of his top administrators if he cannot come. And may I also suggest that you send it in a night letter because he will then read it. If you send it in a letter it gets lost in the basket. I have used this technique over the years and it's very effective. I'm sure we can afford a night letter when we send out bids that come into thousands of dollars for telegrams. May I suggest that we do that and ask if he cannot personally come, would he send a top administrative aide and who would that person be and would he let us know as soon as possible so that we can have a reception for him.

The Chair:

Thank you. We'll do that. Thank you very much.

Mr. Flaherty presented

No. 2448 Resolution providing for the issuance of a warrant in favor of

Niko Contracting Co. in the amount of \$12,876.00 for emergency services in connection with roof repairs at the City Vehicle Maintenance Facility, chargeable to and payable from Capital Project LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 2449 Resolution repealing Item H of Res. No. 701, appr. 7-29-80 for the sale of a lot 7600 Mulford Street, 13th Ward, Block & Lot 175-B-12 to Charles and Elsa Harris, his wife, for the sum of \$250.00. Resolution is to repeal sale.

Also,

No. 2450 Resolution repealing Res. No. 1215, appr. 10/18/78 for the sale of a 2 Sty. Brk. Hse. at 7412-14 Tioga Street, 13th Ward, Block and Lot 175-B-107 to Paul K. & Ernestine W. Taylor, his wife, for the sum of \$1,500.00. Resolution is to repeal sale.

Also,

No. 2451 Resolution amending Item (I) of Res. No. 1172, appr. 11/24/82 for the sale of vacant land, 31st Ward, Armohill and Mestaland Aves., designated as Block and Lot 90-R-120-1-2-3-5-6-7; 166-7-8 & 9, to Kathryn Sullivan & Kathleen Terbosic for the sum of \$4,000.00. Amendment is to delete 1 parcel and add another.

Also,

No. 2452 Resolution amending Item (E) of Res. No. 703 appr. 7/19/82 for the sale of a 2 Sty. Fra. hse. & 2 Lots in the 20th Ward, on Junius Street, Block

and Lot 18-C-100-107 & 109, to Al D'Angelo for the sum of \$7,000.00. Amendment is to delete 1 lot and reduce price of sale \$7,000.00 to \$6,750.00.

Also,

No. 2453 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2455 Resolution providing for the issuance of a warrant in favor of Conn Construction Company in the amount of \$4,985.00 in payment for extra work furnished for the benefit of the City in connection with the Rehabilitation of the Mission Street Bridges, chargeable to and payable from Code Account PW 78-14, 4-01-05-0460-78, Emergency Repairs - Bridges.

Which was read and referred to the Committee on Finance.

Also,

No. 2456 Resolution vacating Bobby Way from Chapin Street to its northerly terminus in the 26th Ward of the City of Pittsburgh.

Also,

No. 2457 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Conn Construction Company for extra work in connection with the Wood Street Bridge Rehabilitation at a cost not to exceed \$17,974.31, payable from Code Account

PW 80-52, Wood Street Over Parkway.

Also,

No. 2458 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Montour Contracting Company for extra work in connection with the McCrory Way Parking Lot Construction, also Irwin Street at a cost not to exceed \$3,711.50, payable from the North Side Urban Development Action Grant, 4-15-03-1810-79-181-79-15.

Also,

No. 2459 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Domenic Parente Contractor's Inc. for extra work in connection with the concrete jumperwalk construction on Whitworth Street from Southern Avenue to Boggs Avenue at a cost not to exceed \$1,702.43, payable from Code Account PW 81-34, Step Reconstruction.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2460 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment for repairs to a back-hoe loader at a cost not to exceed \$1,006.81, payable from Code Account 1705, Repairs.

Which was read and referred to the Committee on Water.

Michelle Madoff:

Send a note to the Director that that is another thousand dollars to repair

another back-hoe for the same old back-hoe that is eighteen years old. We should be buying them from repossession. I have the word of the Mayor and of the new Supplies Director that he will attempt to do so. Would you please go on record as saying I will not approve another repair to another back-hoe until they look into buying one of the \$70,000 ones for \$18,000 because the men are working with their bare hands, with shovels, and we're not cost effective and we better get those back-hoes. We're only getting one this year and none until next year. That is the most expensive way to operate a city and I will not approve another repair. And may I please get an update of the figure for last year and this year for repairs and rentals for equipment used in the Water Department. It's in the thousands of dollars.

Mrs. Masloff presented

No. 2454 Communication from Daryl H. Smith, Director, Dept. of Lands and Buildings, requesting Raymond Fischer, Superintendent, Bureau of Repairs and Bruce MacDonald, Architect, to attend a one-day seminar on Basic Supervision, on March 15, 1983 at the Pittsburgh Airport Sheraton, at a cost not to exceed \$360.00, chargeable to and payable from Code Account 1361, Misc. Services, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2461 Resolution repealing Res. No. 31, eff. Jan. 24, 1979, entitled: "Authorizing the issuance of a warrant in favor of Ram Construction Company in the amount of \$1,385.60 in payment for work performed at the Pittsburgh Zoo - EDA Project No. PA-

0254, chargeable to and payable from Capital Project Fund PR78-01, Pittsburgh Zoo, Dept. of Parks and Recreation." This payment is no longer needed.

Also,

No. 2462 Resolution authorizing the issuance of a warrant in favor of Sonitrol Security Systems in the amount of \$2,229.00 in payment for work performed at Magee Recreation Center and Wightman School Annex, chargeable to and payable from Project Code 4-10-15-0002-83 (PR83-17) Major Repairs and Emergencies, Dept. of Parks and Recreation.

Also,

No. 2463 Resolution authorizing the issuance of a warrant in favor of Aquatic Systems, Inc., in the amount of \$26,150.00 in payment for a 4,000 gallon aquarium at the Pittsburgh Aqua Zoo, chargeable to and payable from Pittsburgh Zoo Membership Trust Fund, PZMTF, Dept. of Parks and Recreation.

Also,

No. 2464 Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$318.55 in payment for reimbursement for utility costs for Sheraden Senior Citizens, chargeable to and payable from Code Account 1803, Utilities, Dept. of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2465 Resolution providing for an Agreement or Agreements with various independent contractors and/or consultants to provide instruction and/or

services in connection with the 1983 Community Education, Environmental Learning and Leisure Activities for the Handicapped Programs, and other Recreational Programs as needed, at a cost not to exceed \$40,000.00, chargeable to and payable from the Special Parks Program Trust Fund, SPPTF.

Also,

No. 2466 Resolution providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the implementation of the Master Plan of the Pittsburgh Zoo, at a cost not to exceed \$380,000.00.

Also,

No. 2467 Resolution amending Res. No. 1430 eff. Jan. 1, 1981 as amended by Res. No. 505 eff. May 22, 1981, entitled: "A Resolution adopting the 1981 Capital Budget and approving the 1981 through 1986 Capital Improvement Program" by correcting prior year funds and transferring monies from South Side Riverfront Park to Project Specific Trust Fund; and increasing the funds allocated to Phipps Conservatory.

Also,

No. 2468 Resolution amending Res. No. 1083, eff. 10/21/82, as amended by Res. No. 1267, eff. 12/16/82, entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the rehabilitation of Phipps Conservatory; and providing for the payment of the cost thereof," by increasing the allocation from \$970,000.00 to \$990,000.00, chargeable to and payable from 4-10-01-1280-81, PR81-06, Phipps Conservatory,

Rehabilitation of Structure, Dept. of Parks and Recreation.

Also,

No. 2469 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment in connection with the purchases of rare birds for the Pittsburgh Aviary at a cost not to exceed \$6,000.00, payable from the Aviary Trust Fund, ATF.

Also,

No. 2470 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Louise R. Brown, to attend a meeting with the Bureau of State Parks in Harrisburg, Pennsylvania on February 18, 1983, at a cost not to exceed \$200.00, payable from Code Account 1801.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2471 Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for the furnishing and delivery of Interior Shelving for Rescue Unit for the Dept. of Emergency Medical Services, at a cost not to exceed \$35,000.00, chargeable to and payable from Code Account EMSTPP, Emergency Medical Services Third Party Payer Trust Fund.

Which was read and referred to the Committee on Supplies.

Also,

No. 2472 Resolution amending Res. No. 1111, appr. Oct. 25, 1982, eff.

Nov. 5, 1982, entitled: "Resolution providing for an Agreement or Agreements with the Boro of Mt. Oliver Ambulance Corporation for the provision by the Dept. of Emergency Medical Services of Paramedic Services, providing for the reimbursement to the City of the cost thereof; and authorizing the deposit of funds received into the "EMS" Non-Resident Emergency Services Trust Fund", by deleting the words Ambulance Corporation and replacing the word Corporation with the word Boro.

Also,

No. 2473 Resolution providing for an Agreement or Agreements with The Salvation Army for professional services in connection with The Public Inebriate Program, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account No. 1447, Misc. Services, Dept. of Police.

Also,

No. 2474 Communication from Glenn M. Cannon, Director, Dept. of Emergency Medical Services, requesting Glenn Cannon, Director, Robert Kennedy, Assistant Director-Operations, Robert Full, Chief Supervisor, John Rowntree, Rescue Supervisor, Douglas Garretson, Training Supervisor and Robert McCaughan, Field Supervisor, to attend a one-day seminar on Disaster Control to be held on Saturday, March 26, 1983 in Greensburg, PA, at a cost not to exceed \$180.00, payable from Code Account 1421, EMS Miscellaneous Services.

Which were severally read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2475 An Ordinance

supplementing Ord. No. 28 of 1978, entitled, "An Ordinance furthering the development and implementation of business development and participation programs for minorities and women by authorities, boards, funds, and agencies authorized and/or receiving financial assistance from the City of Pittsburgh and the filing of reports with Pittsburgh City Council," by providing for penalties for failure comply with this Ordinance.

Which was read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the Agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. Robinson, is this in line with the other resolutions you've made just to keep Council apprised of what's going on so that we have a handle on it?

Mr. Robinson:

No, this specific resolution relates to penalties for failure to comply with Ordinance 28 which was passed in 1978.

Michelle Madoff:

But what we want to know is whether Ordinance 28 is being implemented. And this would give us some handle on it also, will it not?

Mr. Robinson:

No, this just prescribes some specific penalties if the City Solicitor

determines that Ordinance 28 is not being complied with.

Michelle Madoff:

How do we know if it's being complied with?

Mr. Robinson:

In Ordinance 28, there are some specific requirements and some reports have to be filed and all you have to do is check the records.

Michelle Madoff:

I presume you are doing that so you'll let Council know?

Mr. Robinson:

Yes.

Michelle Madoff:

Thank you.

Mr. Woods for Mr. Stone presented

No. 2476 Resolution providing for the issuance of a warrant to Joseph M. Metro, Martin M. Metro, Bernard Metro and Veronica Metro, c/o Peter J. Mansmann, Esquire, 220 Grant Street, Pgh., PA 15219 in the amount of \$5,000.00 in full settlement of lawsuits, arising from flooding on May 11, 1979 and causing damages to plaintiffs real and personal property located on Boundary Street, City of Pgh., payable from Code Account No. 46, Judgments.

Also,

No. 2477 Resolution providing for the issuance of a \$34,500.00 warrant in favor of Bridget A. David in settlement of claim for property damage resulting from work performed by the Dept. of

Public Works, payable from Code Account No. 46, Judgments. The Law Department is authorized to spend not in excess of \$1,000.00 for closing costs payable from Code Account No. 46, Judgments.

Also,

No. 2478 Resolution providing for the issuance of a warrant to Budget Rent-A-Car, 1402 York Road, Abington, PA 19001, in the amount of \$1,809.05 in full settlement of claim for automobile damage on Sept. 24, 1982 at Bingham Street by a Dept. of Police vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 2479 Resolution amending Res. No. 285, appr. March 31, 1982 and eff. April 5, 1982, by providing for an increase in the appropriation from \$35,000.00 to \$70,000.00 for professional services in connection with the Clean Community System Program of Keep America Beautiful, Inc., chargeable to and payable from the Mayor's Miscellaneous Services Account, Code Account No. 1017.

Also,

No. 2480 Resolution providing for an Agreement or Agreements with an agency or agencies to provide labor market orientation services as required by the U.S. Dept. of Labor in connection with the Comprehensive Employment and Training Act (CETA) Summer Program, at a cost not to exceed \$75,000.00, chargeable to and payable from CETA T-3 Trust Fund, federal funds.

Which were read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods for Mr. Stone presented

Bill No. 2481

Report of the Committee on Finance for February 2, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2305

A Resolution entitled, "Resolution authorizing the Mayor, Director of Finance, Treasurer and Controller, City of Pittsburgh, to establish an Infrastructure Trust Fund."

Which was read.

Michelle Madoff:

On Bill No. 2305, Mr. Robinson, how soon will you have the other bill available that would make it palatable for me to vote on this? You were introducing another bill that would specify what the money would be for, where the money was coming from, so that we do not indeed go back to the capital fund, which is a tremendous interest-bearing burden on the City taxpayers, and not duplicate the efforts. And I changed my vote to vote with you on this providing that you would have that other bill available.

Mr. Robinson:

I believe that the record will reflect that I indicated that there would be an additional piece of legislation in the near future that related to the sources, or at least one source from

which money could come, to go into this infrastructure trust fund. The purposes for which the money in the infrastructure trust fund can be spent are contained in Section 2 of the legislation. It's very clear and explicit. This bill does not take any money out of any existing funds. This bill only authorizes the establishment of the infrastructure trust fund to do some very specific things which are, construction, maintenance, repair, financing of bridges, streets, sewers, slopes and related projects.

Michelle Madoff:

Mr. Robinson, that's what we do with our capital dollars now. What I would like to do is see a section added that in this bill we cannot take any money out of our capital bond money to do this.

Mr. Robinson:

I don't think that it would be appropriate to add any sections to this bill which would indicate that you cannot take money out of the capital budget. It's rather obvious that the capital budget programs for specific projects which can be changed. There is a Capital Budget Review Committee of which Mr. Dave Matter, the Mayor's Executive Secretary, is the Chairperson. They meet regularly, they review projects regularly. And even though we have approved projects for the capital budget, many of those projects will not be completed on schedule because the Capital Budget Review Committee will make a decision not to complete it.

This particular trust fund give us the flexibility to put money into it that has not already been assigned and to do some very specific projects. Let me give you an example. If, indeed, the Capital

Budget Review Committee decides they do not want to do a project that we in Council deemed necessary and important, we can tap the infrastructure trust fund to perform that particular function to do that particular project. I think Council is well aware that all members of Council from time to time have been requested to be very diligent about specific projects. Without mentioning the names of any of those projects, Council knows the great deal of controversy that usually arises when we attempt to complete a project that the Administration has decided that they don't want to do. The stumbling block is that they have already made arrangements to shift the money. There are monies in the City of Pittsburgh that have not yet encumbered, that are not yet identified for use. And I think that putting them into the infrastructure trust fund will go a long way to solving some of our problems around funding projects that we think are essential, particularly projects in the neighborhood.

Mr. O'Malley:

Where's this money coming from, Bill?

Mr. Robinson:

Again, the monies for the infrastructure trust fund can come from a number of sources. One, it can come from monies that are in the general fund. It can come from unencumbered money. It can come from interest --

Michelle Madoff:

What kind of unencumbered money?

Mr. Robinson:

Each year, Council has to pass a resolution about the first or second week

of February to identify where unencumbered money from the previous year will be spent. We will be doing that in the next week or so. That's one source of money.

Another source is from interest from loans. For example, the City of Pittsburgh loaned to the Kossman Development Corporation \$4.5 million at eight percent interest for twenty-seven years. If that loan is paid back, plus the interest, that money should come back to the City of Pittsburgh. We could tap that money. There are monies that come back from our UDAG Program. There's roughly \$400,000 now in the bank from the Giant Eagle UDAG Project which has not been identified for youth.

So, there's lots of money, in a general sense, there's lots of money to put into the infrastructure trust fund. I don't think we'll have any problem at all finding any money.

Michelle Madoff:

May I respond, Mr. President? Section 2 clearly clarifies where you want to spend the money and I agree with you that we've had, and I've given some other smaller examples, the Royal Street slide. There's one today where we're paying \$37,000 for a wall that we took down that damaged somebody's property, now we're buying up the house. We had that little thing in Elliott-West End where the poor people there couldn't get five thousand dollars because it was a fight between Equitable and the City. But I would like to clearly have it clarified that no money from the general fund could come into this money because what we're doing is taking tax dollars, which are the first payment we have to make every year and pay off our debt service, and put it in this money. If there's other funds, fine. But I don't think we should duplicate the monies

that are being spent in the capital bond money for special projects. And I agree with you that very frequently we are told by the Administration that money is going to be used for a project and then they delete that project or they switch it around.

You recall when we went out on the bond I asked every department to give me a list of projects that were absolutely necessary. We went out and we borrowed \$70 million and we're paying it back at \$207 million and yet we didn't go out on those projects. We went out and bought Eazor and bought other things. I want to be sure that we have some input on priorities but I don't think we want to create two infrastructure trust funds. We already have one with the creation of the capital bond money which is used for that purpose.

Mr. Robinson:

If I just might, one last comment on this because certainly I covered all this material on Wednesday and I'm sorry if members of Council were unable to get some clarification then. I think Mr. Johnson, the Assistant City Controller, clarified the issue of whether or not this type of trust fund could be established and his comments on the record were that all this legislation was doing was establishing an infrastructure trust fund and that any monies that would go into this fund or come out of this fund would have to be approved by City Council and therefore, for those Councilmembers who had some concern about what's going in and what's going out, this certainly would be an appropriate time to address that concern.

Michelle Madoff:

Which is why I changed my vote from no to aye, but I would also see no reason why, at this time, we cannot say

that we would not take money out of the capital fund. It's just too costly. When we have an \$800 million debt, total debt, in this City, we just can't do it, Bill. And I agree we can say no at that time, but I still think we need input on priorities and what the Administration is doing. That bridge that you've been trying to get for years and years should be a priority. I don't care if the money comes from another source but it can't come from that capital bond, or if it does, we should petition the Administration to do that.

The Chair:

If I may, Michelle, as Mr. Robinson stated a while ago and he's correct, we hashed and re-hashed all of this last Wednesday. We're really repeating ourselves.

Michelle Madoff:

I said the same thing last Wednesday. I still think we need another section in there that says the capital bond money would not be utilized for this second infrastructure trust fund.

Incidentally, have you spoken to the Administration about this, Mr. Robinson?

Mr. Robinson:

I don't understand your question.

Michelle Madoff:

Is there any objection from the Administration about establishing this fund?

Mr. Robinson:

I would suspect not. The persons who are directed to establish it, their names are very specific in the legislation. A representative of the

Controller's Office was here Wednesday and indicated to this Council very specifically that there were no legal problems with us establishing a trust fund. That's the only question. Whether or not we want to establish a trust fund. That's all.

Michelle Madoff:

I have no problem with that providing the money from the capital funds don't go in. And you say we'll have the opportunity to do that?

Mr. Robinson:

Yes ma'am.

Mr. Flaherty:

I am voting no precisely because I feel that it is superfluous.

Mr. Givens:

I am voting no on this bill for the same reason and purpose that any monies that we have should go back into the general fund and if we start setting up specific funds for our surplus money to go into, I think we're going to box ourselves in in time to come.

Michelle Madoff:

On Bill 2305, I'm going to vote no because I think it may be duplication. I do not have any objections to creating a trust fund but I have great concern if that paragraph isn't put in to say it cannot say general funds. My convictions say I should vote no.

Mr. Robinson:

I'd like my comments from last Wednesday regarding this bill brought forward.

(BEGINNING - MR. ROBINSON'S
REMARKS - BILL NO. 2305 - 2/2/83)

Mr. Robinson:

An infrastructure trust fund would be established to repair our bridges, our roads, some of the landslide situations that we have and will allow us the capability of zeroing in on specific kinds of repairs.

As I mentioned before, there are monies that are coming back to the City from our UDAG loans and that money can be tapped as well as Council certainly has the power to put money into that trust fund.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

Mr. Robinson:

In the body of the bill, I think all members of Council received some very specific instructions as to how this money should be spent. All the other monies that are in various other code accounts are to be spent in some specific ways. One of the things that this bill makes a decision for is for us to take care of landslides and types of situations such as Rural Street and Blessing Street, etc., and it gives us the capacity to assist in that area. We do not now address those kinds of concerns.

MICHELLE MADOFF COMMENTS

Mr. Robinson:

This is not a contingency fund. The bill, which is very short --

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MR. PERRY COMMENTS

MICHELLE MADOFF COMMENTS

MR. FLAHERTY COMMENTS

Mr. Robinson:

The funds for this trust can come from any of the sources that the City can legally tap. I would assume that you would not put bond funds -- I would assume you would not do that and perhaps Mr. Johnson, from the Controller's Office, can give more specifics.

As I mentioned before, there are a number of programs that we have operating in the City where people are paying back loans to us. Let me give you an example. The City recently loaned \$4.5 million to the Kossman Development Corporation to build some ramps out at Parkway Center; twenty-eight years at eight percent interest. When that money begins to come back to us, it is available for us to use. It would seem to me that that is a very good source for those funds and to address Mrs. Madoff's question, the next time we have to make a loan to someone by Mr. Kossman or someone else, you go into this infrastructure trust fund. We had to take other monies to make this loan to Mr. Kossman so he could make a necessary improvement. I'm saying, if we have a special fund that we know that's what those monies are going to be used for.

MR. FLAHERTY COMMENTS

Mr. Robinson:

No. As I mentioned before, there are a number of dollars that come into the City every year that we do not have calculated into the budget. Mrs. Madoff has mentioned on numerous occasions

that monies that come in from the sale of buildings are really not calculated into the budget because we don't know which buildings are being sold. We have monies that we carry over from year to year so I think there's more than enough money to put into a new trust fund and we won't be taking anything away from any funds that are already there.

MR. FLAHERTY COMMENTS

Mr. Robinson:

No, that is not in the bill. I don't think that would be appropriate.

MR. FLAHERTY COMMENTS

Mr. Robinson:

It would be up to this Council.

MICHELLE MADOFF COMMENTS

MR. FLAHERTY COMMENTS

Mr. Robinson:

The bill reads that the Mayor, the Controller and the other persons you mentioned are authorized to establish the fund. To my knowledge they have no power to put money in there. We have the power to put money in there. It's up to this Council. They have the power to establish that fund. We are saying to establish it in a legal constitutional fashion.

MICHELLE MADOFF COMMENTS

Mr. Robinson:

I think since Mr. Johnson is here from the Controller's Office, it might be appropriate to raise some of your concerns with him. For example, can it be established and are we well within our rights because I'm sure that Mr. Johnson

and Mr. McGrady are not going to let us establish anything that is illegal.

MICHELLE MADOFF COMMENTS

THE CHAIR COMMENTS

MICHELLE MADOFF COMMENTS

DIRECTOR GAETANO COMMENTS

MICHELLE MADOFF COMMENTS

MR. JOHNSON COMMENTS

MICHELLE MADOFF COMMENTS

Mr. Robinson:

The bill has been held for a number of weeks.

MICHELLE MADOFF COMMENTS

Mr. Robinson:

This is so the Controller and the Solicitor and members of Council could look at everything that has been done right here at the table.

MICHELLE MADOFF COMMENTS

Mr. Robinson:

I'd like to explain my vote very quickly. I think that Mr. Johnson's explanation of what I'm trying to do is adequate. I certainly agree with Mrs. Madoff that there needs to be some other legislation. I anticipate doing that at the appropriate time. I vote aye.

(END - MR. ROBINSON'S REMARKS -
BILL NO. 2305 - 2/2/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff
Mr. Robinson

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 4

NOES 3

(MR. FLAHERTY, MR. GIVENS AND
MICHELLE MADOFF VOTING NO)
(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 2386

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Noralco Corporation, in the amount of Six Thousand Five Hundred (\$6,500.00) Dollars in payment for the Emergency Removal of steel bridge supports and span for the Monongahela Incline over the P.J. McArdle Roadway; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2390

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Westburne Supply Inc., 300 Corliss Street, Pittsburgh, PA 15220, in the amount of \$257.60 in payment for the Purchase of Copper Tubing furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2393

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of GAL Construction, Inc. in the amount of \$5,912.13 in payment for work performed at Northgate Park, Pool and Bathhouse, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2403

A Resolution entitled, "Resolution providing for the issuance of a warrant to George Adams and Jo Frances Adams, c/o John Daley, Esquire, Brennan, Robins & Daley, 1900 Commonwealth Building, Pittsburgh, PA 15222, in the amount of \$1,895.00 in full settlement of a lawsuit wherein Plaintiffs claimed property damages and providing for the payment thereof."

Which was read.

Also,

Bill No. 2404

A Resolution entitled, "Resolution providing for the issuance of a warrant to Anna M. Miskovitch, c/o Irving M. Portnoy, Esquire, 1701 Grant Street, Pittsburgh, Pennsylvania 15219, in the amount of \$2,500.00 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2433

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 1, Levy and Rate on Lands and Buildings, by correcting the amount due upon each one-hundred dollars of the assessed valuation on land and buildings."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2434

A Resolution entitled, "Resolution providing additional benefits to beneficiaries of the City of Pittsburgh Policemen's Relief and Pension Fund, Firemen's Relief and Pension Fund, and Municipal Pension Fund who retired prior to January 1, 1983."

Which was read.

Michelle Madoff:

That's the insurance policy that Mr. Stone wants but we're going to vote on it now, right?

Mr. Flaherty:

Without the insurance policy.

Michelle Madoff:

Right, without the insurance policy.

Mr. Flaherty:

It's just fulfilling our commitment.

Michelle Madoff:

Right, because bread could go to five dollars a loaf and I want to be sure that we can amend that to higher than twenty-five in years to come and not put a cap on it.

Mr. Givens:

This is just filling our commitment of the \$25 a month that we so indicated in our budget deliberations of 1983. What Mr. Stone was talking about the other day has not come up and I'm sure that will be scrutinized and debated by this Council before we act upon it.

The Chair:

Right. That doesn't include the insurance policy.

Michelle Madoff:

On Bill 2434 I believe it's important to point out, I believe, that by today Mr. Stone was to give us some concept of whether he was going to pursue looking into three companies. As Mr. Flaherty had stated, those companies would be brought before Council and it had gone out for a fair bid. And my concern is that I would not want to go that route. I want to adhere to our commitment to the retired police beneficiaries because, as I said earlier, we could go to five dollars for a loaf of bread. We're giving him twenty-five dollars now. If we buy a policy, we may be locking ourselves in to a point where we cannot raise that figure and I have great concern over that.

So, I'm going to vote yes on 2434 as it is.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2482

Report of the Committee on Public Works for February 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2387

A Resolution entitled, "Resolution further amending Resolution No. 1555, effective December 31, 1978, as amended by Resolution No. 403, effective May 1, 1981, entitled, 'Providing for an Agreement or Agreements, or Supplemental Agreements, for Professional Engineering Services in connection with

the inspection and design of McArdle Roadway (PW 78-12 and PW 76-39); and providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation, by increasing the total allocation by Twenty Eight Thousand (\$28,000.00) Dollars."

Which was read.

Also,

Bill No. 2388

A Resolution entitled, "Resolution providing for a Contract or Contracts for furnishing and installing and/or reinstalling steel guardrails and facilities related thereto at various locations within the City of Pittsburgh, and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2389

A Resolution entitled, "Resolution providing for a Contract or Contracts for Wall Construction on Angle Street from Advent Street to Corfu Street, including necessary work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2483

Report of the Committee on Water for February 2, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2391

A Resolution entitled, "Resolution providing for a contract or contracts for Relay of the Water Line and Other Work Incidental thereto, in 44th Street Between Butler Street and Penn Avenue and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2392

A Resolution entitled, "Resolution amending Resolution No. 500, approved

June 6, 1980, entitled, 'Providing for a contract or contracts for the relay of undersized water lines serving fire hydrants on various streets; and providing for the payment of the cost thereof.' by decreasing the appropriation therein."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2484

Report of the Committee on Parks and Recreation for February 2, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2394

A Resolution entitled, "Resolution amending Resolution No. 1385, effective January 1, 1983 entitled, 'A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by transferring certain monies in Project Specific Trust Funds from 4-10-10-1556-83 (PR83-13) Friendship Park Renovation."

Which was read.

Also,

Bill No. 2395

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts for the rehabilitation of Friendship Park; and providing for the payment of the cost thereof from the Friendship Park Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2485

Report of the Committee on Lands and Buildings for February 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2089

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services for design in connection with the construction of improvements for handicapped accessibility at the Downtown Public Safety Building, and providing for the payment of the cost thereof."

Which was read.

Bill No. 2279

Resolution amending Item F of Resolution No. 1158, approved November 22, 1982, for the sale of vacant land on McNeilly Avenue to Larry J. Viehie, for the sum of \$1,000.00. Amendment is to add another street to the location.

Which was read.

Also,

Bill No. 2381

Resolution amending Item G of Resolution No. 93, approved February 22,

1982 for the sale of 2 lots - 25th Ward, on California Avenue and Lysle Street, designated as Block and Lot 22-G-204-205, to Norma B. Dalzell, for the sum of \$600.00. Resolution is to delete parcel 22-G-204 from the sale.

Which was read.

Also,

Bill No. 2382

Resolution amending Item G of Resolution No. 580, approved June 21, 1982 for the sale of a vacant lot on 1711 Edwards Way (17th Ward) designated as Block and Lot 12-N-27, to Roberta and Harry Stackawitz, for the sum of \$250.00. Resolution is to correct names of former owners and Date and DB Volume and Page.

Which was read.

Also,

Bill No. 2383

Resolution amending Item G of Resolution No. 1368, approved December 31, 1982 for the sale of a lot on Compromise Street, 24th Ward, designated as Block and Lot 23-H-120, to Nadine M. Long for the sum of \$250.00. Resolution is to correct size of the lot.

Which was read.

Also,

Bill No. 2384

Resolution amending Item L of Resolution No. 1368, approved December 31, 1982 for the sale of a 2-1/2 Story Brick House at 1917 Charles Street, 25th Ward, designated as Block and Lot 22-D-166, to Clarice Baylor, for the sum of \$2,500.00. Resolution is to correct the

size of the house.

Which was read.

Also,

Bill No. 2385

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I would like to share some very important information with Council and with the public. Very frequently, young couples go out to buy a

house and we have not had, until now, a final reading on a water bill. So, they end up sometime later finding they have this huge water bill that was never factored into the closing cost. It appears that the Water Department, through Mr. Chiappetta, is going to start giving a final reading and there will be a \$15.00 service charge. I think that is terribly important because my office is constantly swamped when real estate is moving. Of course, right now we've been somewhat at a standstill.

I would think it's important, and I'll notify the Water Department, to notify all the title companies so that people will be saved the annoyance. And we should also notify the realtors that when they close, there is now a service available for a final reading for \$15.00 which would save them a lot of headache later on, and thousands of dollars.

Mr. Givens:

Just an observation, Mr. President, that for the past several weeks I've been going into many homes in the City of Pittsburgh and the thermostats have been set at sixty-eight degrees and below with people sitting around with sweaters on. In this room, as vast as it might be, that temperature was seventy-five degrees, even though the thermostat was set differently. Something must happen here. I went over and put the occupation switch on and that ensues the air conditioning to come in. That's more energy than must be wasted. Michelle went over and shut it off because it's on the chilly side.

I ask, then, that the Chief Clerk send a letter from this Council down to our Lands and Buildings and that my colleague over here might put some weight behind it and seriously get into the controls over there and do something to regulate the temperature so we can

save and conserve on energy. Thank you.

The Chair:

I thought that was set at a certain temperature.

Michelle Madoff:

I've raised this issue several times. If you go to almost any Councilman's office now, most of them are boxes, they're just tiny little rooms with two or three people working in them, and because they're so hot and they have no control on them, they're running the air conditioning at this time of year, which is a disgrace.

I think we need to have that energy audit report back to us as soon as possible. Open a window instead of putting on the air conditioning.

Mrs. Masloff moved to excuse Mr. Stone for absence from the meeting.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Givens moved to approve the minutes from Monday, January 31, 1983.

Michelle Madoff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Givens**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, February 14, 1983

No. 7

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, February 14, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2491 An Ordinance supplementing the Pittsburgh Code, Title One, Article III, by adding Sections 147.01 through 147.02 creating a Central

Relocation Department.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 2492 Resolution providing for the issuance of a warrant in favor of Domenic Parente Contractors, Inc. in the amount of \$13,714.25 in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Meadow Street Bridge; and providing for the payment thereof.

Which was read and referred to the Committee on Finance.

Also,

No. 2493 Resolution providing for a Contract or Contracts, or use of existing Contracts for the rental and repair of equipment in connection with the City's Capital Construction Division; at a cost not to exceed \$50,000.00. Funds are available in Code Account PW 83-24, 4-01-35-0001-83, Capital

Construction Division.

Also,

No. 2494 Resolution providing for a Contract or Contracts for the purchase of new and/or used Heavy Equipment for use by the Bureau of Operations in the maintenance of highways and sewers; and providing for the payment not to exceed \$180,000.00. Funds are available in the Liquid Fuels Tax Trust Fund.

Also,

No. 2495 Resolution amending Section 2 of Resolution No. 1023, approved October 1, 1982, effective October 14, 1982 entitled, "Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street and Joseph Hartman, 30 Bly Street, certain property in the 26th Ward of the City of Pittsburgh" by providing for the payment of the closing costs.

Also,

No. 2496 Resolution providing for an Agreement or Agreements with A.M. Richardson and Associates for Consulting Services in connection with the backfilling of LRT excavation at Liberty Avenue and Sixth Avenue; and providing for the payment not to exceed \$130,000.00. Funds are available in Code Account PW 83-27, 4-01-01-0125-83, Supervision of Quality Control on Backfilling for LRT.

Also,

No. 2497 Resolution amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by

creating a new line item and adjusting the summary totals.

Also,

No. 2498 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Conn Construction Company for Extra Work furnished in connection with the Rehabilitation of the Mission Street Bridge at a cost not to exceed \$2,886.80, payable from Code Account PW 78-14, Emergency Repairs - Bridges.

Also,

No. 2499 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Mosites Construction Company for Extra Work in connection with the Rehabilitation of the Larimer Avenue Bridge over Washington Boulevard, at a cost not to exceed \$3,558.48, payable from Code Account PW 78-14, Emergency Repairs - Bridges.

Also,

No. 2500 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting prior approval and authorization for Brother Richard Emenecker, F.S.C., Superintendent, Bureau of Cable Communications, Department of Public Works, to participate in a seminar entitled, "Municipal Administration of Cable Television" to be held in Madison, Wisconsin from May 5-7, 1983. There will be no cost to the City of Pittsburgh for his attending this conference.

Also,

No. 2501 Communication from Louis R. Gaetano, Director, Department of Public Works, transmitting Traffic

Regulations to be instituted for a trial period of sixty (60) days beginning January 25, 1983. Various streets in the City of Pittsburgh beginning with Forbes Avenue, etc.

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2502 Resolution providing for a contract or contracts or the use of existing contracts for the rehabilitation of turfing areas including Quarry Field at a cost not to exceed \$20,000.00, chargeable to and payable from Project Code 4-10-07-1410-83 (PR 83-08) Turfed Areas and Landscape Rehabilitation, in the Department of Parks and Recreation.

Also,

No. 2503 Resolution providing for an Agreement/Agreements with Allegheny County Institutional District in connection with the Federal Area Plan for Programs on Aging providing for payment and reimbursements to the City by the ACID for expenditures in connection with the Senior Citizens Program; providing for the payment of the City's share of the cost; providing for the deposit of funds and providing for the expenditure of Program Income-Meals funds for the purchase of additional congregate meals through the existing ACID contract; not to exceed \$6,000.00.

Also,

No. 2504 Resolution providing for a lease or leases and/or a license agreement or license agreements for the use of certain City property by community non-profit organizations, in conjunction with the Senior Citizens' Program, for a nominal fee of one (\$1.00) dollar per year.

Also,

No. 2505 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Susan E. Davis to attend a meeting of the Governor's Council on Physical Fitness and Sports in Hershey, Pennsylvania, on March 3, 1983, at no cost to the City.

Also,

No. 2506 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Michael A. Senko, to attend the annual conference of the National Council on Aging, Inc. in Detroit, Michigan on March 13-16, 1983, at a cost not to exceed \$775.00, payable from Code Account 1843, Department of Parks and Recreation, Bureau of Recreational Activities/Senior Citizens.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2507 An Ordinance amending the Pittsburgh Code, Title One, Administrative, Chapter 161, Contracts. Section 161.03 and 161.07, by reducing the amount in Section 161.03, Advertising Contracts, from \$5,000.00 to \$3,000.00 and in Section 161.07, Public Building Contracts from \$2,500.00 to \$1,000.00, making a sealed bid procedure unnecessary and conforming the requirement for separate specifications to state law.

Which was read and referred to the Committee on Supplies.

Also,

No. 2508 An Ordinance amending

the Pittsburgh Code, Title Six, Conduct, Chapter 603, Parades and Crowds by adding sections 603.01(c), 603.04, 603.05 and 603.06, Wearing of identity concealing devices. Providing for the prohibition of wearing masks, hoods, which conceal the identity by hiding the face or other devices to conceal identity.

Also,

No. 2509 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Chapter 659, Unlawful Practices, by adding Section 659.05, Religious Symbol Desecration, and the re-numbering of Section 659.05, Enforcement, to 659.06.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 2510 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to enter into a grant agreement with Housing Opportunities, Inc. for an amount not to exceed nineteen thousand four hundred fifty (\$19,450.00) dollars from the Neighborhood Housing Fund for site development work on Block 25M, Lot 163 in the Sixth Ward of the City of Pittsburgh.

Also,

No. 2511 Resolution approving

execution of a Disposition Contract by and between URA and Isadore Caplan for the sale of Block 11A, Lot 248 in the 3rd Ward - Residential Land Reserve Fund (310-12 Dinwiddie).

Also,

No. 2512 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh - and certain redevelopers for the sale of certain properties in the 15th Ward for \$1.00 per lot as per the property management and maintenance program.

Also,

No. 2513 Resolution approving the sale of Parcel 79 (1414 Juniata St.) in the 21st Ward of the City of Pittsburgh by and between URA and Laud, Inc. for \$1,050.00 - Redevelopment Area No. 27.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2514 Resolution transferring \$50,000.00 from Code Account No. 1060, Salaries, Regular Employees, Department of Finance to Code Account No. 1061, Salaries, Temporary Employees, Department of Finance.

Also,

No. 2515 Resolution providing for an agreement or agreements with data processing micrographic specialists or consultants for computer processed microfiche services in connection with real estate tax, water and sewage service, and various other tax, service and payroll and worker's compensation records; and providing for the payment of the cost not to exceed \$25,000.00,

payable from Code Account 1061, Salaries, Temporary Employees, Department of Finance.

Also,

No. 2516 Resolution providing for the lease of certain property at the first floor of The Jones Law Building, 1st Ward, from February 15, 1983 for a term of seven and one half months to house the operation of The City C.E.T.A. Summer Youth Employment Program, upon certain terms and conditions, at a cost not to exceed \$50,000.00.

Also,

No. 2517 Communication from Melanie J. Smith, Director, Department of Personnel, requesting permission for Betty Ferguson to attend a seminar at the McKeesport Campus of Pennsylvania State University on April 6, 1983, at a cost not to exceed \$78.00, payable from Code Account 1100.

Also,

No. 2518 Communication from Melanie J. Smith, Director, Department of Personnel, requesting permission for Bernard Schneider, Asst. Director, Labor Relations, Department of Personnel and Civil Service Commission, to attend the annual meeting of the National Public Employer Labor Relations Association to be held in San Antonio, Texas, March 20-25, 1983. Seminar on the latest developments in the field of public sector labor relations. At a cost not to exceed \$1,450.00, chargeable to and payable from Code Account 1100.

Also,

No. 2519 Communication from John Gabriel, Director, Commission on Human Relations, requesting permission for LaVerne Burden to attend a HUD

meeting in Philadelphia, Pennsylvania on January 26-28, 1983, at a cost not to exceed \$400.00, payable from the HUD-FHP Trust Fund. Prior approval was granted January 13, 1983.

Also,

No. 2520 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting permission for Stephen A. Schillo, James Turner, and Ronald C. Schmeiser to attend a Pennsylvania League of Cities Workshop in Meadville, Pennsylvania on February 23, 1983, at a cost not to exceed \$400.00, payable from Code Account 1063, Misc. Services, Department of Finance. Also, request use of City vehicle.

Also,

No. 2521 Communication from George N. Charlton, Jr., Executive Director, Public Parking Authority of Pittsburgh, submitting a list containing the names, positions and salaries of the employees of the Public Parking Authority of Pittsburgh.

Also,

No. 2522 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of January 31, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2523 Resolution providing for the issuance of a warrant in favor of Chrysler Credit Corporation in the amount of \$654.00. This warrant is

necessary to refund the excess collected when their vehicle was auctioned, as City Ordinance requires that any funds received when the vehicle is auctioned be refunded to the owner upon request. Payable from Code Account 32, Refunds, Protest Towing and Storage Charges.

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2523

Report of the Committee on Finance for February 9, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2423

A Resolution entitled, "Resolution repealing Resolution No. 1091, approved October 25, 1982, effective November 5, 1982, entitled, 'Providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Forty Two Thousand Seven Hundred Thirty Three Dollars and Seventy Five Cents (\$42,733.75) in payment for the City's share of construction and inspection costs in connection with the Forbes Avenue Construction, Agreement No. 69037A; and providing for the payment thereof'."

Which was read.

Also,

Bill No. 2424

A Resolution entitled, "Resolution repealing Resolution No. 1093, approved October 25, 1982, effective November 5, 1982, entitled, 'Providing for the issuance of a warrant in favor of Commonwealth of Pennsylvania, Department of Transportation, in the amount of Six Thousand Eighty Four Dollars and Thirty Three Cents (\$6,084.33) in payment for the City's share of inspection costs in connection with the Forbes Avenue-Brady Street Project, Agreement No. 52599; and providing for the payment thereof'."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2430

A Resolution entitled, "Resolution authorizing the issuance of a warrant in

favor of Ralph Plumbing and Heating Co., Inc. in the amount of \$630.00 in payment for work performed at the Paulson Avenue Swimming Pool, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2435

A Resolution entitled, "Resolution providing for the issuance of a warrant to Russell C. Coates, in the amount of \$35,000.00 in full settlement of claim for personal injury, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2436

A Resolution entitled, "Resolution providing for the issuance of a warrant to the University Health Center of Pittsburgh, c/o Louis J. Krzemien, Jr., Esq., Two Chatham Center, 15th Floor, Pittsburgh, PA 15219, in the amount of \$4,236.40, in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2475

An Ordinance entitled, "An Ordinance supplementing Ordinance No. 28, passed in Council on October 16, 1978, entitled, 'An Ordinance furthering the development and implementation of business development and participation programs for minorities and women by authorities, boards, funds, and agencies authorized and/or receiving financial assistance from the City of Pittsburgh and the filing of reports with Pittsburgh City Council', by providing for penalties for failure to comply with this Ordinance."

Which was read.

Mr. Robinson:

Mr. President, on Bill No. 2475, every member of Council received a legal opinion from Mr. Pellegrini, our Solicitor, dated February 11, 1983. In light of that opinion, I'd like members of Council to have an opportunity to peruse and absorb Mr. Pellegrini's opinion.

Mr. Robinson moved to recommit Bill No. 2475.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, if I might, I'd just like to have a copy of Mr. Pellegrini's opinion entered into the record today. Thank you.

(OPINION FROM MR. PELLEGRINI, SOLICITOR)

February 11, 1983

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

You have requested an opinion as to whether Ordinance No. 28 of 1978 and Bill No. 2475 of 1983 are legal. Ordinance No. 28 of 1978 provides that all boards, authorities, funds and agencies authorized by the City of Pittsburgh shall, *inter alia*, develop and maintain a business development program for participation by minorities and women and periodically make reports on their programs. Bill No. 2475 requires that the Solicitor impose fines on and revoke contracts with those authorities who fail to make the required reports.

By boards, authorities, funds and agencies, it is assumed that the ordinance refers to those boards that govern Authorities and that are not part of the structure of the City of Pittsburgh, e.g., Zoning Board of Adjustment. Authorities are created pursuant to state enabling legislation. In Commonwealth v. Erie Metropolitan Transit Authority, 444 Pa. 345 (1971), the Supreme Court of Pennsylvania defined the legal status of an Authority. It stated at page 348:

"This Court has consistently held

that municipal authorities are not the creatures, agents or representatives of the municipalities which organize them, but rather are 'independent agencies of the Commonwealth and part of its sovereignty.' Whitemarsh Township Authority v. Elwert, 413 Pa. 329, at 332, 196 A.2d 843 (1964); see also Simon Appeal, 408 Pa. 464, 184 A.2d 695 (1962); Tranter v. Allegheny County Authority, 316 Pa. 65, 173 Atl. 289 (1934); Commonwealth ex rel. McCreary v. Major, 343 Pa. 355, 22 A.2d 686 (1941); M.G. Mosites Co. v. Southwestern Penna. Water Authority, 40 Pa. D. & C.2d 251 (Fayette Cty. 1966) . . ."

Because Authorities are independent agencies of the Commonwealth, the City of Pittsburgh has no power to unilaterally impose any requirements upon the Authorities or the Boards that govern them.

Accordingly, it is the opinion of this Department that Ordinance No. 28 of 1978 is to be deemed solely as a voluntary request by the City to the Authority for them to submit reports on their business development programs to the City.

Bill No. 2475 of 1983 which seeks to amend Ordinance 28 of 1978 purports to impose penalties for failure to comply with the reporting requirement contained in that ordinance. Initially, it is clear that the Bill is defective in that, a fortiori, the City cannot impose a penalty for failure to supply information when it has no authority to impose that requirement. Moreover, even if Ordinance 28 of 1978 were deemed to be legally binding on the Authorities, Bill No. 2475 requires the Solicitor, by fiat, to impose a fine upon the authorities or their boards when they fail to submit the requested report. No Authority exists for the unilateral imposition of a fine by the Solicitor or an Authority or Board.

Nor can the Solicitor enforce that provision of the Bill that requires the Solicitor to terminate existing contracts with those Authorities which fail to submit the information requested without subjecting the City to damages for breach of contract.

Section 220 of the Home Rule Charter provides that a member of Council shall be appointed to each authority board. To accomplish the purpose of Ordinance 28 of 1978, it is suggested that each Councilmember move at their respective Authority Board meeting to direct the Board staff to submit the requested information to the City.

Very truly yours,

D.R. Pellegrini
City Solicitor

DRP:rms

(END - OPINION FROM MR.
PELLEGRINI, SOLICITOR)

Michelle Madoff:

Mr. President, may I ask Mr. Robinson a question?

The Chair:

Certainly.

Michelle Madoff:

Mr. Robinson, did you get your own legal counsel?

Mr. Robinson:

It was my understanding that we were going to wait until we got an opinion from the Law Department.

Michelle Madoff:

Fine. But we did vote, I believe, that you would have your own legal counsel. We had five votes for you because that is now the new rule. Will you have enough time between now to discuss with this Council your own counsel?

Mr. Robinson:

Yes, I will. But I think it's appropriate for Mr. Pellegrini or someone on his staff to be here Wednesday to not only talk about the opinion but also about Ordinance No. 28.

Michelle Madoff:

Fine. I just want to be sure that we're not back to go. We don't have our own fiscal advisor, we don't have our own legal people unless five people vote for it. You got that from Council and I hope you would exercise it.

The Chair:

Thank you.

Mr. Givens presented

Bill No. 2524

Report of the Committee on Public Works for February 9, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2422

A Resolution entitled, "Resolution providing for an Agreement granting to J.J. Gumberg Company the right to

construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by J.J. Gumberg and Company in the 17th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2525

Report of the Committee on Planning, Housing and Development for February 9, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2365

A Resolution entitled, "Resolution

providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the Manchester Conservation Area Project Number PA-R-366, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 2526

Report of the Committee on Water for February 9, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2429

A Resolution entitled, "Resolution amending Resolution No. 433, approved May 1, 1981, as amended by Resolution No. 686, approved July 17, 1981, as amended by Resolution No. 872, approved August 16, 1982, entitled, 'Providing for an agreement or agreements with a consultant or consultants for professional engineering services in connection with the design of water line installation in Saline Street and Boundary Street and providing for the payment of the cost thereof, by correcting the appropriation therein'."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2527

Report of the Committee on Public Safety for February 9, 1983 transmitting

one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2398

A Resolution entitled, "Resolution providing for an agreement or agreements effective January 1, 1983, with James K. Staud, VMD, for veterinarian services in connection with the treatment of dogs assigned to the Canine Unit of the Operations Branch of the Department of Police, and providing for the payment of costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 2528

Report of the Committee on Lands and Buildings for February 9, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2421

A Resolution entitled, "Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 24 K, Lot 145, to the Pennsylvania Department of Transportation for the sum of \$6,800.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

Bill No. 2530 WHEREAS, the

National Salute to Hospitalized Veterans is organized to recognize and pay tribute to the many men and women in Veterans Administration Medical Centers across the country who are facing personal battles of illness, pain and loneliness; and

WHEREAS, on February 15, the Veterans Administration is celebrating the 1983 National Salute to Hospitalized Veterans at the Highland Drive Medical Center; and

WHEREAS, the Veterans Administration is also celebrating its Thirtieth Anniversary of their Medical Center.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh join the nation in honoring and recognizing the million and a quarter veterans who are admitted each year to Veterans Administration Medical Centers across the country, and extend our most heartfelt thanks for their unselfish gift to this nation; and we wish them a speedy recovery from their personal battles of illness, pain, and loneliness.

BE IT FURTHER RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh hereby commend, honor and recognize the Thirtieth Anniversary of the Highland Drive Medical Center.

Mr. Givens moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens:

I might add a personal note, if I

could, Mr. President. I am a volunteer member of that particular hospital and I can acquaint one time when I was in the medical hospital in San Diego after going through serious open heart surgery and the first volunteer came up to me. When you're in the hospital it's just like having someone visit you. The normal medical staff is there continuously, day and night, and they're being paid to take care of you, etc. But when you have a visitor, and I was in this particular part of the country and my whole family and all my friends were back here in the City of Pittsburgh and I was stuck out in the hospital there, and when one of these volunteers came up and offered a little glass of refreshment and a cookie, I felt very emotional about it that somebody cared outside, that somebody wanted to come in and see some of the veterans who were laid up in the hospital.

I recommend to all of our people here, several veterans within our Council group right here, that they take a moment in their busy schedule to go up and visit the veterans hospital during this particular week. Thank you, Mr. President.

Mr. Stone:

Mr. President, if I may. To the maker of the motion, may I make a suggestion? When we honor them and we recognize them, should we not be, at the same time, wishing them a recovery from their personal battles of illness, pain and loneliness?

Mr. Givens:

Yes. I'd be more than happy to.

Mr. Stone:

You might put that right after the first resolved. "And we wish them a speedy recovery from their personal

battles of illness, pain and loneliness."

The Chair:

We certainly offer congratulations on behalf of City Council for this wonderful group of people. Thank you.

Mr. Robinson presents

Bill No. 2531 WHEREAS, the Council of the City of Pittsburgh did by resolution in 1966 authorize the creation of a Central Housing and Business Relocation Agency; and

WHEREAS, the Housing Authority of the City of Pittsburgh was designated to carry out the relocation program outlined in the Honorable James Jordan's Resolution No. 81 of April 29, 1966; and

WHEREAS, both the Housing Authority of the City of Pittsburgh and the Urban Redevelopment Authority of Pittsburgh have provided relocation services to both displaced persons and businesses in Pittsburgh; and

WHEREAS, City Council desires to maintain and financially support one centralized relocation effort.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of its citizens, does pledge to work with the Urban Redevelopment Authority of Pittsburgh and the Housing Authority of Pittsburgh as well as the concerned citizens, for a Central Relocation Agency to develop an independent relocation program for the City of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

If I may, Mr. Robinson, from what I heard at the hearing the other day, it would seem most advisable if this Relocation Agency was separate from the Housing Authority which is doing the job now. The Housing Authority Director thought so also and most of the people there did. Do we have any idea who would carry those duties out?

Mr. Robinson:

Mr. President, Councilman Woods and myself, along with Mr. Pietragallo, the Executive Director of the Housing Authority, will be meeting with Mr. Brophy, the Executive Director of the Urban Redevelopment Authority, to develop a model agency and we will discuss not only what the agency should look like, but where it should be housed, what kind of staffing it should have and how it should be funded.

Also, the concerned citizens who called for the hearing will have an opportunity to have input and review our suggestions and proposals and then they will be brought to Council in the form of legislation to actually establish the agency. But I think that most of the persons who are concerned about this issue would like to see a separate agency which is funded by City government.

Mr. Givens:

I appreciate the resolution itself. I guess several Councilmembers are going in the same direction. I have been talking to members of the Urban Redevelopment staff in trying to establish something for the Relocation Agency. At the same time, and of course it was submitted into Council today and will come up this coming

Wednesday, for a Department of Relocation. Now, that will have to go to the Mayor for his deliberations or whatever we can do, I think all jointly, together we are trying to go for the same entity. I didn't realize Bill and Ben Woods had this particular resolution and I'm sure they did not know that I had the trend of thought that I was going on and that is to form some type of directorship.

It was very clear to me, and I think all members of Council, at that particular public hearing, wherein the Housing Authority and the Urban Redevelopment Authority was saying that they didn't want this particular agency in their particular authority. So, I felt that because of the restrictive time limit of March 31 when they're going to draw down on that \$100,000 that we must put this location someplace. Hopefully, it will come under our Housing Court. But until that comes in and is approved, regardless of what happens, that it happens in a timely fashion is all that I am interested in at this time, I'm sure as other Councilmembers are.

Mr. Woods:

Dick, if I may, both agencies that right now are presently doing it, have enough money with the present staff they have to last the entire 1983 year. That's why we have enough time, we don't have to rush into anything. And that's why Bill and I discussed it with the particular other individuals to make this a resolution that we'll have all year to work on this thing so that we do come up with funding starting January 1, 1984, so that we don't just bang into this thing. That's why we have this as a resolution.

Mr. Givens:

I think it was evident, Ben, at that

public hearing that many of the people that testified felt that because there was no Director, because the Relocation Agency, per se, and its staff had been diluted and disseminated primarily into the Housing Authority, but under the Administrative Manager that it was losing continuity. The civilian watchdog of the Relocation Agency also expressed that concern. I don't think we can keep this agency in limbo for one year until we decide what roof we're going to put it under with the Director and with the staff to carry out the relocation. We talk about code enforcement and we talk about people who have to be housed after a particular fire, and when you talk about other things that this particular group had done over the past several years, for example, condemnation by the Health Department, project relocation and property management of some URA and that of Housing Authority property and blight prevention. Blight prevention, this is the agency that did this. Who is going to do our blight prevention this coming spring? And we're right around the corner right now.

I want to know these questions and I think we must deliberate on this very quickly.

Mr. Woods:

I'd like to add one more thing. Mr. Givens, they've been doing it under the Housing Authority since 1966, what they're doing right now. And I don't foresee any immediate emergency within ten months. Nothing is going to be any different. If they've done it for sixteen years, I'm sure that they can do it for another ten months. It's as simple as that. It's funded, the money is there. March 1, you use that date, that's two and a half weeks away, nothing is going to happen. They're going to be there.

The Chair:

Ben, the Housing Authority will continue to perform that function until the new agency is --

Mr. Woods:

Right. Like they've done for the last sixteen years, Mr. President.

Mr. Givens:

But they're doing it without a Director and they're doing it, as people indicated here at the public hearing, without adequate staff.

Mr. Woods:

Dick, they're doing it with the same Director that they've had for sixteen years. The Director of the Housing Authority. He might be a different individual, but it's the same person that they've had for the last sixteen years.

Mr. Givens:

The Staff Director of the Relocation Agency, there's no one particular individual that's in charge of that. It's been disseminated into a major branch of the Housing Authority over there.

The Chair:

Dick, we really don't have any choice until the new agency is set up. Somebody has to do it.

Mr. Givens:

That's right.

The Chair:

And until you set up the new

agency they're going to have to do it.

Mr. Givens:

And I think this Council, along with the Mayor and the two Authorities, should get into this very quickly and decide what is going to happen.

Mr. Robinson:

Just one quick comment in reference to Mr. Givens' suggestion that we move with dispatch. The City Charter indicates that if a new unit of government is initiated by City Council that the legislation must be submitted to the Mayor and the Mayor has thirty days in which to react. Since I've been on this Council, the Mayor has never reacted in less than thirty days. So, even if we want to move with dispatch, we cannot do it any less than thirty days from the day that your bill goes into Committee. And it would seem to me that if we're going to establish an agency that might spend almost a half a million dollars that we don't want to throw it together with paper clips and scotch tape, that we don't want to accentuate the problem that already exists, that we want to make sure that it's put in place properly, that it's housed properly, and that we follow all of the rules and regulations because I think that the people who complained, their complaint was that the agency was not put together right and they wanted us to put it together right. And I think that suggests that we need to take some time.

Mr. Givens:

I beg to agree with you. This Council created a Department of Economic Development. It has now been put into the Urban Redevelopment Authority. I hear from Councilman Robinson that he gets very concerned about the economic development within

the City of Pittsburgh. When you create a directorship, you're given the greatest authority that this Council can ever give. I'll just leave it lay there.

Michelle Madoff:

Mr. President, I have a floor motion that members of City Council respectfully request and send a letter to Warner Cable, locally and their main office, respectfully, and I say that three times, request, and I say that again, request, because we do not have the authority to mandate, that they change their practice of notifying their customers, or to give their customers thirty days notice before they have any rate increases over which Warner has jurisdiction and Council does not, and I believe that's called pay service.

As you know, Warner has increased their pay service to their consumers, to their clients. The people are up in arms. All of us have received correspondence, mail, telephone calls, very disturbed, and while they have the right under law to raise the rates at any time for pay service, I think as a Council that voted for them we at least have the right to request that they give somebody thirty days notice when they're going to increase their fees. What is happening is that they go to somebody's house, they solicit their business, they put in the cable two weeks later, and then the month they get bill the rate isn't what they signed up for. And since we cannot control them, we have no jurisdiction over law, at least we, as a responsible representative of the community, ask that Warner give everybody thirty days notice from the time they sign up. And that further, they move immediately to improve their service department which is in terrible disarray. I have numerous letters in my office about people who are business people, lawyers particularly, who have taken two or three days of

work, were told they would be home between say two and four or ten and noon. Nobody shows up, nobody bothers to call and tell them they're not going to show up, nobody answers their telephone for twenty to thirty minutes when there's a complaint. I think we have a responsibility on this Council to respectfully request that Warner act a little more responsible in the areas in which we do not have jurisdiction. Because in the areas that we do have jurisdiction, we will take their behavior into consideration. That is a motion. A floor motion. Can we have a second?

Mr. Flaherty seconded the motion.

The Chair:

In regards to the hearing we had with the people from Warner and several residents of the City of Pittsburgh, most of the second part of what you said was discussed and I gather that at that hearing we were told that they were going to conform and those things wouldn't happen in the future.

Michelle Madoff:

They are happening, Mr. President.

The Chair:

You're probably right.

The first one was in regards to the rate increase, a flat rate increase. I thought that was a matter for Council to approve or disapprove.

Michelle Madoff:

No, sir. There's two sections of rate increases. One that Warner has jurisdiction all by themselves and that's on pay cable.

The Chair:

Are you talking about paid movies?

Michelle Madoff:

Right. I believe so, but you can clarify that. But it's on the pay end. They can raise it today again, if they want, and tomorrow again. As long as people are dumb enough to buy it and pay those kind of rates if they want it.

The Chair:

But Michelle, if they want to raise a movie to ten dollars and somebody wants to pay the ten dollars --

Michelle Madoff:

That's fine. I have no objections to that. If somebody wants to pay it, that's their problem. But I'm saying that they should at least have the common decency not to put it in today and when the bill arrives a week later to have the rate go up. We can't mandate them. We can't make them do it. But we have the right, as a Council, to send an official letter as we do on many issues, to many legislators, to many bodies, making a request that they give everybody thirty days notice.

How would you like to have your friends and neighbors, and I'm sure they've told you, or yourself, Mr. DePasquale, if you had Warner Cable, and you're solicited one week, two weeks later it's put in and the very next week you get your bill and it isn't what you bought. Don't you think common decency would indicate that you should have thirty days notice? I see you're agreeing with me.

All we're doing is making a request. We cannot mandate it, but I

think that Council can reflect on the response that we get from Warner as to what decision we make when they come before us for their rate increase over which we have jurisdiction.

Mrs. Masloff:

Mr. President, just a minute. In the matter of the only increase that Warner has made so far, when they sent their bills out, they notified each person that as of the next bill they would have a rate increase. I have documentation as to that. If people didn't read the notices that came with their bills that's unfortunate. Nobody receives more complaints than I do and I follow every single one up. Warner has had problems, they've had growing pains and I'm the first one to admit that. And when they're doing the wrong thing I'm the first one to tell them. But I think they're cleaning up their act considerably. You can call Warner today. They are staggering their billing dates so that all bills don't come due at the same time and they don't get all kinds of complaints at the same time. By and large, Warner is trying very, very hard. People are having complaints. As I said, they're having growing pains and they're having all kinds of problems, but they are cleaning their act up. They've added a whole new bank of telephones. This is a whole new system in Pittsburgh. They have something like 63,000 homes that they've wired and they are trying very, very hard to do a good job. There are complaints and I've followed every single one up and they've cleaned them up as best they can. I'm not saying they're perfect and there probably is a lot of room for complaint. But I think it behooves us all to follow them up when we hear them.

Mr. Flaherty:

I certainly agree with

Councilwoman Masloff that Warner has had their growing pains. Unfortunately, it has been the public that has ached a lot during that growing process. I know that my office is still receiving complaints in regard to the operation of Warner Cable. Some of the complaints are in regard to what Councilwoman Michelle Madoff's resolution is in regard to. That's why I wholeheartedly support it. I think that Council certainly has to enhance its reputation in how it is dealing also with Warner Cable. And though this is strictly an advisory measure, I think it is one that will go a long way toward telling the public that this Council certainly has sensitivity to the plight it has had with Warner Cable and, hopefully, Warner Cable will respond to Council's plea and perhaps also show more sensibility and sensitivity.

Michelle Madoff:

Mr. President, the reason I am putting forth a very strong emphasis on the issue of notification of rate increase is that many people who are buying the Warner service are buying because they don't get out. It's their form of entertainment. They probably splurge and take it away from food in some instances because they feel it puts them in touch with the world, and like most people, including all members of Council, many of us do not read the fine print when we get a bill from the PUC saying that our rate increase has gone up on our electric bill or our gas bill. I think it needs a big pink slip that says, "Please be advised that while you bought your cable last week from us, or three weeks ago, and you've just installed it this week, that your rates have gone up since and we want you to be aware of it", because people have called my office saying that they are now cancelling. And they said that at this hearing because they bought it at one price and they're paying it at a

double price. And I think that it does not hurt to go on record, Councilwoman Masloff, to say yes, as Councilman Flaherty says, we have sensitivity to the public, that we want two things. One, that they promise they're going to get their act together and improve their service.

And I can tell you that I have a letter from an attorney that arrived in my office three days ago. I happen to know him and that's why he sent it to me, I don't know him well. If you want some arguments on how disastrous Warner is, here is what has happened to me, I cannot take this time away from my practice, and he's really up in arms. And this is three days old.

The other one is the issue that calls are coming in in droves saying, "I'm cancelling." They think we're the ones raising the rates. We are not, of course, because we have no control over paid television. And why would you take the position that you would not even want to request this be done, I cannot imagine. You almost sound like you're the advocat for Warner, anything they do is fine and they're really improving, but you're on their board. I have defended you at the Advisory Board Meeting when you were accused of politicising the issue of asking for a lower rate for senior citizens. I said that that was not true. Sophie Masloff introduced it because it was the appropriate time to do it. I think that I supported you when you were right and I defended you and I think it's only fair that you show the public what side you're on. Either you're on Warner's or on their's.

Mr. Stone:

Mr. President, if I may. Invariably, we have people say they shouldn't attack the other, but we get it depending on whether they agree with

you or not. I think that Councilperson Masloff has made a very valid point in the sense that it's been her committee, she's watched it, she's observed it. We have here in the form of a resolution, and I don't know why it wasn't preceded by a letter or a telephone call to Warner saying that these are some of the complaints we've had and can you respond to this matter and see what's involved before we start the program are you still beating your wife theory.

I'm told here today, and we've filed charges and prosecuted and now we're ready for sentence on Warner without whether or not the facts are correct. It's been told by the Committeeperson that notice is given of rate increases. We're told now by someone else, and I have no documentation on that although just recently we had Warner here and they indicated they would be willing to comply with everything. I don't know why we always need resolutions unless we're politicizing. It would appear to me that what ought to be done is a mere letter to them to find out what's involved without trying to make a big harangue here in Council about it all the time and then accusing someone else of doing the thing that that person themselves are doing.

The Chair:

Mr. Stone, if I may, I won't dispute with you on the right of a resolution, but at the same time, there are some real serious problems down there. I hear about them and I know you and everybody else hears them. I have one in particular. I've always prided myself on my credit rating and the last three payments I made to Warner I was told they didn't receive and unless they received them by a certain date they were going to pull my TV out. This is three times running now. So, it's

happened to me and it's happened to a lot of other people and I'm just wondering if they're going to get that act together soon.

Mr. Woods:

Mr. President, that's a problem with all businesses. I have cable TV and when my rate was increased, I opened up the bill and it says your rate is going to be increased in one month, the next billing date. I haven't had one complaint. I'm still new on this Council and I realize a lot don't know I'm a Councilman. But I haven't had any complaints about Warner's rate increases. The one that's proposed I've had, but not their billing dates or their services or whatever. But I was notified when my rate increase went in.

Michelle Madoff:

Mr. President, I think it's very unfortunate that we're in an election at this time because I'm not saying anything now that I didn't say some time ago. There was a hearing here before Council. I'm being accused of politicizing. We had a public hearing and uniformly the people that were here complaining said exactly what I'm saying today and Warner did indeed get up and say they are going to get their act together. They have not got their act together. That is why I am making this floor resolution today. There was a play or a book or a movie called Promises, Promises. It's easy to promise anything but they have to know that this Council will take into consideration their interaction with their consumers as to what will happen when we go to vote. I don't think reiterating our position will hurt anything, number one. And number two, I would like to know how my esteemed colleague, Mr. Stone, knows that nobody contacted Warner to say, "What are you doing to make things

better and why are you still beating your wife?" Because indeed I did speak to them personally and advised the people who have called me to speak to them and furthermore, I can substantiate that I have turned every complaint that I have gotten over to Brother Richard Emenecker who has done a tremendous job of following up and Brother Richard will tell you the complaints are still coming in. So, what are we so afraid of to take the side of the public just to reinforce the issue that we want to see them move in the right direction and not take Mr. DePasquale's television out after three months of threatening.

Mr. O'Malley:

Call for the vote.

The Chair:

Before we call the vote, I want to get clear myself. Are we talking about drafting a letter to Warner or a resolution?

Mr. O'Malley:

We're talking about doing what Warner already does. It's redundant and it's ridiculous. Could we call for the vote please?

The Chair:

Michelle, I'll ask you one more time. Are we talking about drafting a letter to Warner or resolution?

Michelle Madoff:

Sir, it's a floor motion because under law I did not have a resolution prepared and I did a floor motion and I'm requesting that we draft a letter respectfully requesting that Warner improve and that we're still getting complaints. And I don't think that's so

terrible in asking that not only do they perhaps put their notice in their bill saying your rates are going to go up, but put in a special slip so that people will see it and that they start giving some better service.

You may recall, Mr. President and members of Council who were at that hearing, that they pointed out that they have now discharged many of their installers but they are now starting to hire people to handle the complaints and they admitted they do have problems. They have not addressed the problems and I think it's time that we just reinforced our position to put them on notice. And I don't see anything wrong with that.

Mr. Givens:

Mr. President, if I might. As Chairman of the Department of Public Works wherein the Cable Bureau comes from, and as Michelle Madoff so indicated, people are concerned. I've received probably as many calls if not more calls along with Sophie, within the Council here, on these complaints. Again, they're referred to Brother Richard Emenecker. That telephone number is 255-2084 if they would like to call him direct.

We have set up a procedure. Our own Council's committee on Cable Bureau wherein if the citizens do have these complaints, it's funneled into Brother Richard Emenecker. Through that Council's committee we sit down and discuss these in an orderly fashion. If we are to shoot from the hip as we're trying to do here right now, we're not going to have an orderly fashion of business between this Council, the customers out there and Warner Cable. We have that mechanism, it was well thought out. In the Ordinance of the City of Pittsburgh it's established and if

we follow those procedures I think everything will be worked out.

March 8, I believe it is, there will be a public hearing in this Council where all the Councilpeople are invited to review the three year review of Warner. And I'm sure some of these things are going to come up and concrete action is going to be taken. I'm not for anyone not being notified of some changes in their bills. However, I receive many bills that I do not receive any prior notification of my utility bills, etc., going up. This is a practice that should be corrected.

Mr. Flaherty:

If Michelle would entertain a slight amendment that I have. Some of the complaints that I have had have been from new subscribers to cable. No sooner are they hooked for cable that a week or two afterwards prior to even receiving their first bill they are notified of a rate increase. I would just wish to amend it that it also be included in the letter that when new subscribers are signed up that when they sign up they are told that there will be a rate increase in the near future or within the thirty day period.

Michelle Madoff:

I certainly accept that amendment.

Mr. Stone:

Call the question.

Michelle Madoff:

Mr. President, may I ask a question? Point of information? I'm going to pay you a compliment, but don't take it personally. Whenever we have a vote on Council where we have a

contractor that is related to you, if memory serves me well, in the four and a half years that I have been on this Council, you have always said, "I cannot vote on that issue".

The Chair:

It's because I feel it's a conflict. I think it's written in the Charter that you can't vote if it's a relative. And half the contractors in Pittsburgh are related.

Michelle Madoff:

Do you know that we have a member of this Council who has a member of their family employed by Warner? And therefore it is a conflict of interest for that member to vote on anything to do with Warner Cable.

Mr. Givens:

Michelle, I have a daughter that is twenty-three years of age who, through no undertakings of my own, sought employment within that type of work that is normally conducted by any cable company. That is a pole climber, etc. She went out on the market like any other individual woman did, as you, Michelle, so many times advocated wanting women's rights. Well, here it is, hon. My daughter went out there in all sincerity, was in the marketplace with the men and she competed. She was the best pole climber that OIC every had. She was employed by Warner and her dad had nothing to do with it. In fact, I submit to you, Michelle, that if you go back and look at the records as to how this Councilman voted on that particular franchise, I did not vote for Warner —

Michelle Madoff:

Your daughter wasn't working there then.

Mr. Givens:

I will not, unless the Legal Department tells me —

Michelle Madoff:

May I have a legal opinion on that?

Mr. Givens:

Please, Michelle. I'm talking now. Will you leave me talk? Will you please? Will you do that, Michelle? I'd appreciate it very much.

Mr. President, it's a very serious note, it's a very serious accusation that Michelle made.

The Chair:

The Chair rules that it's not a conflict, Mr. Givens.

Mr. Givens:

I ask that Mike Perry and our Legal Department to see if there's any conflict of interest in the fact that she is not my dependent any longer, nor has been for many, many years, and I don't think anyone's family should be —

The Chair:

First of all, Mr. Givens, you're not voting on a rate increase or anything that affects the public in regards to money. So, certainly you can vote on the drafting of a letter to Warner.

Michelle Madoff:

Mr. President, I have a daughter who works for television and she asked me if I would speak to Warner. I said definitely not and she's now working in Tampa, Florida for another commercial

station.

Mr. Givens:

May I say, Mr. President, that I have eight children and all but one are living in the City of Pittsburgh and darn it I want them to stay right here in the City of Pittsburgh. I have eight grandchildren and in our immediately family there's something like forty some grandchildren that my mother has. They work in banks, they work in every entity within this government. If I am to sit here and be judged as Michelle is trying to judge me, then I say that she is wrong. And I will put her to the test. And I will put our Legal Department to the test. I cannot vote for anything that comes up in Duquesne Light because I have brothers in Duquesne Light Company or anything else that comes before this Council, no, unless they have stock, unless they're a director, unless there's somebody who's making very strong decision making matters, or the president of the company, then I think there's problem.

Michelle Madoff:

Mr. President, I maintain that if a member of your family works for a company it is your responsibility to abstain from voting.

The Chair:

Roll call vote, please.

Mr. Flaherty:

Aye because it's pro-consumer and pro-public interest.

Mr. Givens:

I'm abstaining on this vote and I'd like to say why I'm abstaining. Again, there's a suggestion coming up, shooting

from the hip, put before this Council on what should be done. There is a mechanism that has been designed in the ordinance of the City of Pittsburgh as to how this thing should correctly be accomplished. I follow the ordinance that has been laid down by the City of Pittsburgh and this is not in accordance with that particular ordinance. So I abstain.

Mrs. Masloff:

I vote no because it's a complete waste of time and an exercise in futility.

Mr. O'Malley:

I agree with Sophie Masloff that Michelle is asking for something to be done that Warner has been doing since they've been in business. I think the resolution is ridiculous and redundant.

I vote no and I'd also like to add one more comment. I've worked with Mr. Givens for three years. I think he has integrity and I think he is a very honest gentleman and I think it was a cheap shot.

Mr. Woods:

I'm pro-public. I'm for the public and that's why I'm voting no because I don't want to mislead them, like we have any control.

The Chair:

I was undecided until Mr. Givens brought the fact out that we're going to have a hearing March 8 for the three year in-depth study of Warner. So, I'll vote no.

Michelle Madoff:

I'm glad this is being televised.

Mr. Robinson:

Point of information. I don't believe that the meeting that Mr. Givens is referring to is a public hearing. I believe in the ordinance that the Superintendent of the Cable Bureau is supposed to do a three year review. Brother Richard Emenecker was here and indicated that he was going to design a procedure that could involve members of Council. We have yet to see what that procedure is and I think Council ought to be aware that the review that he is conducting is not a public hearing and there is no structured input for Council. If Mr. Givens or anyone else on this Council wants a hearing on Warner Cablevision, they're going to have to call it themselves.

Mr. Givens:

This review is going to be conducted in the views of a public hearing and both written and verbal testimony will be submitted at that review.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff

AYES 3 NOES 5

VOTING NO:

Mrs. Masloff Mr. Woods

Mr. O'Malley
Mr. Stone

Mr. DePasquale
(Pres't)

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Flaherty:

Mr. President, I now wish to ask that a public hearing please be scheduled inviting knowledgeable representatives from Warner-Amex Corporation from the Pittsburgh Pirate Club and from the City Solicitor's Office in regard to, primarily, the recent major stock transaction between Warner-Amex and the Pirate ballclub.

When the transaction occurred on January 14, it was within three weeks that the new Stadium agreement was finally enacted.

Mr. Robinson:

Point of order, Mr. Chairman. Mr. Flaherty, are you making a motion?

Mr. Flaherty:

I believe we need some clarification. It was always my understanding that a member of Council could ask for a public hearing.

Mr. Robinson:

I wanted to second your motion and you were going into an explanation.

Mr. Flaherty:

Very good. I just want to explain why I'm doing this. I feel --

The Chair:

Excuse me, Mr. Flaherty. We're talking about a motion that has been seconded. What exactly is the motion?

Mr. Flaherty:

To hold a public hearing inviting knowledgeable representatives from the Pittsburgh Pirates Baseball Club and from Warner-Amex and also a representative from the City Solicitor's Office because I believe that there are quite a few questions that are certainly in the public's interest that I'm sure that probably a few members of Council could put to the respective representatives.

I'm going to be extremely concise. As I'm sure we are all aware, on January 14 Warner-Amex purchased forty-eight percent of the Pirate stock. And this was within three weeks of the final enactment of the new Stadium agreement. I sort of saw a red flag then.

I have to say that last Sunday when I was reading the New York Times on February 6, there was an article in the sports of the Times by Murray Chase which caused me to see a shaking red flag. It shed some information that I was not aware of previously and it states the Galbreaths in that they had considered the option of selling the majority of their stocks to Warner Cable and it goes on further stating to Dan Galbreath in saying, "We'll probably just go into it for now with forty-eight percent" he explained. But as we go on down the road, maybe there will be something more.

I think we are broaching upon a very serious public policy issue because, as I'm sure all members of Council recall, in July during the public hearing representatives from the Pirates said that they were not going to sell the club

and we heard numerous arguments from the Pirates Ball Club as to why they were in such very dire financial straits. We also heard from the Pirates that they could not see any foreseeable impact that cable television would have on the financial condition of the club and there is just a lot of serious issues. I myself found it grating that within three weeks after we, I'm speaking of Council as a whole and the Mayor's Office, gave the Pirates a new Stadium agreement and before the ink was even dry they were reshuffling their stock. I think there's very serious questions to be posed as to if the value of the Pirates stock was greatly increased due to the new Stadium agreement. Referring again to Murray Chase's New York Times article, there are certainly strong indications in there that the stock was greatly increased. There's quotes to that effect because of the Stadium agreement.

So, what it comes down to essentially is that I would like to know when conversations, negotiations, were first broached in regard to a stock transaction. I think this is information that could have been extremely crucial as to this Council's deliberative weighing of a new Stadium issue and I am certainly not going to prejudge any actions here because we simply do not have the information. And that information can only be provided to us by representatives from the Pirates and from Warner-Amex. And I would hope that they would act in the good faith that this City has certainly acted towards them and their corporate bloodline.

The Chair:

Mr. Flaherty, if I may, we're all aware of the fact that twenty-five people can sign a petition to request a hearing from City Council. Now, my curiosity is that I'm under the impression

that any Councilperson can request a hearing and it's my prerogative to set that hearing. I think it's obviously the part of the Chair to follow that request and to honor it.

You asked for a motion and it was seconded. I wonder if that was necessary. I don't think but I'd like to ask the Parliamentarian. Does Council have to give a majority vote on Mr. Flaherty's request or should the Council Chair honor that request while it's being made?

Parliamentarian:

I'll read the Council rule on public hearing. Rule 15 - Public hearings may be granted to petitioners and remonstrance any other matter affecting public businesses which are the jurisdiction of Council. Such hearings shall be held on the day at such time that may be fixed by the President of Council. The President shall preside at all such hearings.

Michelle Madoff:

You haven't answered the question. Can a member of Council request a hearing?

Parliamentarian:

The rule says that a member can request one.

Mr. Woods:

Mr. President, if I may. Past practice, since I've been here, was when one member asked it was granted. I've asked for a couple and it was granted.

Michelle Madoff:

May I ask a question, Mr. President? I have two questions but I'll

try to be brief.

Mr. Flaherty, I think you left something out and I'd like clarification. Am I wrong in my understand that when we had the Galbreaths here and we asked the question are you going to sell your team, they said no. Did they not say that they would not sell it? Wasn't that part of the agreement, that they were not going to sell?

Mr. Flaherty:

That's one of the issues that is of primary importance. There is certainly a section, Section 4203, which I think needs to be interpreted in the legal sense where it says that the City has to be notified if the Pirates permit any other corporation to merge into it or sell all or substantially all its assets or institute proceedings for its liquidation.

I think we need some guidance on this. I'm sure that the representative from the City Solicitor's Office at the public hearing could perhaps give us some guidance on it.

Michelle Madoff:

Am I correct?

Mr. Flaherty:

Your are correct but I don't think we should open the can of worms here.

Michelle Madoff:

I just wanted to know if my memory was correct.

Mr. Flaherty:

Yes. I think you are asking and you are certainly touching upon a most important issue.

Michelle Madoff:

I don't want to pursue it, I just wanted to ask the question.

The Chair:

Are we going to have a vote on this, Mr. Parliamentarian?

Parliamentarian:

It's been indicated that past practice does not require a vote.

Michelle Madoff:

But I would like to request a vote. I think the reason we should request a vote is getting back again to whose side is this Council on. The public's or the private side? Every member of this Council was severely chastised by many of our own supporters saying that we voted not in their interest. I believe that we voted not for a good or bad contract but the choice between a bad and a worse. If the Galbreaths didn't own the Stadium, we owned it.

I would also like to go on record as a matter of integrity that I had received, unbeknownst to me, a \$250.00 contribution from Galbreaths and after that vote, I returned the money saying that I could not keep the money in light of the fact that I had voted with them. That's what I call integrity. And if I had somebody in my family who worked for the Galbreaths, I would abstain from voting. I think we ought to take a vote right now to show how we feel about having a hearing.

The Chair:

I'm going to overrule you, Michelle, and take the prerogative of the Chair of setting a hearing date.

Mr. Woods:

And I totally resent that everything that Mrs. Madoff says is, "Are you on the side of the public or are you not?" Every damn vote we make in this Council. She's running for Council again, fine. But give the political speeches out in the fund raisers or out in the community groups. Not here.

Michelle Madoff:

Mr. President, the word has come to me that there is a concerted effort on the members of people either running campaigns or working for campaigns to brand everything I say as politicizing. I am not saying anything different now than I have said for four and a half years. It's a good ploy but it won't fly.

Mr. Givens:

Mr. President, you can set that meeting anytime you want to. I think there was a motion on this floor that this Council did not have an opportunity to vote on. It's a significant report and I think there's some dialogue that can be made here.

I would hope that Mr. Flaherty would put this and digest this in some type of form and submit it to yourself, as President of Council, and to get a legal report back. He raises some issue. But before I want to go into a public hearing I want to hear what some of these legal questions might be, especially on this contractual relationship between the City of Pittsburgh and that of the Pirates management and their particular team.

The Chair:

If I may interrupt you, Mr. Givens. I think that's the purpose of the hearing.

Mr. Flaherty:

Yes. That is exactly the purpose of the hearing.

Mr. Givens:

Who has the floor here, Mr. President? Leave me say what I have to say and I'll be off and you can say, or Mr. Flaherty can say whatever he wants. I don't want to rehash what we went through here for about an eight or ten hour meeting on the Stadium itself. The team, you know as well as I do, had lost ten to eleven million dollars over this period of time. Much of that was because of the City's lack of responsibility. There's an overtone that's being made by Mr. Flaherty saying that the team's stock might have shot right up after this transaction happened. But the fact remains that this team was going to leave. The fact remains that it's City of Pittsburgh's responsibility to bring road systems into that Stadium as every person who attends that Stadium knows. We have never tied in that road system out there and that affects the people who want to come in and do it. A hotel was supposed to be built on that site. The Stadium condition in itself was never clarified. And they were all the major issues and above everything else, the amenities that came out of that particular agreement, the amenities of the sale of sixteen medallions at \$1 million, the playback viewer, the field conditions, the seating arrangements, you name it.

Yes, you talk about a Stadium and a public hearing and the local issues that are going to be brought before us. There was a motion on this floor to approve or disapprove that. I assume that motion is still here.

The Chair:

I stated very emphatically that I would set a hearing.

Mr. Givens:

One more minute, Mr. President, one more minute. Everyone else can speak here but when I want to speak everyone wants to jump in.

I indicated that when any citizen has a complaint within the City of Pittsburgh they mail that complaint, generally speaking, to the Chief Clerk or to one of these Councilmen here at the table. What do we do with that complaint or that petition. The thing is that if I receive a complaint, if I receive a petition, I give it to the Chief Clerk. We always send it to that department that has the legal responsibility to answer us back. After we get a report from the Department, Mr. Flaherty has brought up a good point, he's saying that the Legal Department is involved here. I would think and I would hope that the Legal Department should make a report back on this. Then once we get that legal proceedings about the contractual relationship between the City of Pittsburgh and the Three Rivers Management or the Pirates Association, that prior to this Councilman wanting to go into a public hearing and waste a lot of time possibly, I want to hear what the legal issues are. If I find after that letter report back from our Legal Department that there are issues at stake then I think, Mr. President, you should then ask for a public hearing. But up until that time, I would say that I want to get this legal report. That is my position. There is a vote on the floor unless that vote is going to be removed per you conversation that you would like to have a public hearing. But there is a motion on the floor.

Mr. Flaherty:

Mr. President, I am in my right as substantiated by the opinion --

Mr. Givens:

Tom, did you not put a motion on the floor? What happened to the motion?

Mr. Flaherty:

I withdraw the motion.

Mr. Robinson:

I withdraw my second.

Mr. Flaherty:

Now, I as an elected public official am completely within my rights in asking for a public hearing. I don't agree with what Councilman Givens has said about a legal ruling coming anytime but I'm asking for a public opinion. And there isn't going to be anyway that anyone is going to try to quash this public hearing and trying to get legal argument and keeping the meat of the table. That's where I think Councilman Givens and the direction he's leading into, and I'll be very blunt about it, he's going to try to quash a public hearing. I'm an elected public representative. The City Solicitor is in an elected public representative and I am asking for a public hearing on this issue and at that public hearing we will have ample time to hear from all the legal lease experts and all the people that are pro-Pirate or pro-Warner or pro-public interest. But we will have a public hearing, Mr. Givens.

The Chair:

You're both out of order.

Are there any more motions or resolution?

Mr. Stone moved to approved the minutes from Monday, February 7, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

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No. 8

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, February 21, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Robinson presents

Bill No. 2567 WHEREAS, The month of February has been designated as Afro-American History Month in the City of Pittsburgh by the Mayor and

Council; and

WHEREAS, the City of Pittsburgh is committed to senior citizens of all wards, races, colors and sexes through its extensive recreation and leisure time programs; and

WHEREAS, the National Caucus and Center on Black Aged, Incorporated has launched a nation-wide campaign specifically to address issues and concerns of black Americans who are senior citizens; and

WHEREAS, the Pittsburgh Chapter of the National Caucus and Center on Black Aged has designated the week of February 20th through the 27th as "Black Senior Citizens' Week".

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens do honor and recognize the accomplishments and achievements of black senior citizens and furthermore does place its support to all positive programs and efforts designated to aid senior citizens.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President and members of

Council, as our City Clerk read the resolution, you are aware that the many contributions that senior citizens have made to this City are being recognized in this resolution and specifically those contributions made by our black senior citizens. The organization that is represented here today, the National Caucus and Center on Black Aged, the Western Pennsylvania Chapter, is an organization made up of men and women who have certainly dedicated their lives to making this a better city and men and women who certainly know what it is like to be a senior citizen but also, more importantly, what it's like to make a tremendous contribution to this City, to this area, and to work along with government in trying to make things better for those who are coming after them.

With the indulgence of Council, Miss Mamie Lee who is the local organizing coordinator, is here and I'd like her to come forward to accept this gold seal copy of the resolution and have a few words. Also in attendance today with her are Mr. Frank Samms, who is a member of the local chapter, Miss Ann Sawyer Berkley, who is a poet and writer and member of the chapter, Miss Juanita McCarter who is a charter member of the Pittsburgh chapter, Mr. John Wilson, who is also a charter member and Mr. Ron Suber, who handles the public relation for this organization. If those individuals would come forward along with Miss Lee to accept the gold seal copies of the resolution and to have a few words for Council.

This organization is relatively new on the national scale and I think it's going to be one of the more significant organizations across the country and here in the City to specifically address some of the concerns of the black aged.

Miss Lee:

President of City Council, resolution maker, Councilman Bill Robinson, members of City Council and senior citizens, as a local organizing coordinator for the National Black Caucus of the Black Aged, which is housed in Washington, D.C., I sincerely thank you for the resolution passed today. Your resolution, along with the Mayor's proclamation, will bring attention to the contributions made by Pittsburgh's black elderly during this week of National Afro-American History Month.

We have asked that this week be proclaimed as Black Senior Citizens Week to encourage churches, families and organizations to pay tribute and give special recognition to their elder members. We are asking all Pittsburghers to pay tribute to their elderly neighbors at home and in their workplace. Your resolution will help generate more public awareness of the aging in our communities as older people are the fastest growing segment in all of our communities. Your resolution will further emphasize our black senior citizens roles as educators and teachers, parents and grandparents, clergy, professionals, craftsmen, businessmen and women, role models, particularly as survivors and as the stability in our communities.

We have had success stories published in the Pittsburgh Courier recently on our grass root black aged and will continue to do so on a regular basis. We will develop programs to bring together children who need grandparents and older persons who need grandchildren and younger friends to learn from each other and help each other, fostering in both a feeling of self esteem and self worth.

We would like to encourage Pittsburghers to take the time out now to strengthen ties with older members of your family, to strengthen ties with older members of your neighborhoods, and to give them their flowers while they are living, recognizing and thanking them for their contributions. It is a time to tap the knowledge skills and experience that our black elders have. They are a significant resource for our communities and for our children and yours. It is also a time that all of us, particularly our families and those in decision making positions as well as the members of the local chapter of the Black Caucus for the Aged, to do whatever is necessary to improve the lives of our elderly. Get involved. Help our elderly stay active, independent and productive. Get them registered to vote and take them to the polls. Turn their skills and talents in directions useful to all of us. Help them to be a meaningful part of our neighborhoods, of your friendships and of our families. Protect them from crime, fraud and abuse. You can start by reaching out to your elder relatives and to your elder neighbors. Be a friend to someone isolated.

Again, a sincere thanks for this resolution passed today. This is a meaningful beginning for the recognition for the black aged and for all elderly in the City of Pittsburgh. Thank you.

The Chair:

Thank you, Mamie, and congratulations.

Mr. Woods presents

Bill No. 2568 WHEREAS, Judge Louis Bechtle has ordered all Federal Highway money for the entire state of Pennsylvania to be impounded; and

WHEREAS, Judge Bechtle took

such action because of the State's refusal to institute an auto emissions testing program for the Pittsburgh, Philadelphia and Allentown area; and

WHEREAS, despite the unfairness of the testing program, the State has been unsuccessful in it's appeal to the United States Supreme Court; and

WHEREAS, the loss of these funds will eliminate construction of many needed highway and bridge projects in 1983; and

WHEREAS, the list of projects that cannot go forward because of the freeze includes the East Street Valley, North Shore and Cross Town Expressways, the Bloomfield Bridge, Pennsylvania Avenue Bridge, McArdle Roadway and Grant Street and Arlington Avenue; and

WHEREAS, the region's economy is faced with a 15 percent unemployment and cannot bare the loss of the jobs such projects would create.

NOW THEREFORE,

BE IT RESOLVED, that the City Council of the City of Pittsburgh urges the General Assembly to pass the needed legislation for the auto emissions tests in order to allow Judge Bechtle to release the funds for the Federally aided projects.

Mr. Woods moved to adopt the resolution.

Mr. Robinson seconded the motion.

Mr. Woods:

Mr. President, I want everyone to understand and I want this made clear to everybody that I am not in favor of this type of legislation. The reason I'm

urging everyone to vote for it is because our backs are against the wall. I had some phone calls asking me how I could be for this. It's one of these things that you have to bite the bullet and just pass it and urge the legislator to pass it. It went all the way to the Supreme Court, we've lost, at the end of that subject we have to go on. We need this money. We have all these projects tied up that's going to create employment and that's why I urge my Councilmembers to support this resolution and pass it on to Harrisburg to the Legislators.

The Chair:

If I may, Councilman Woods, I believe we're on record as having urged Judge Rechte to release those funds. I'm not opposed to them passing the emissions bill, but I'm just saying that we're on record asking to release those funds. We haven't heard anything, obviously.

Michelle Madoff:

As the resident environmentalist, I concur completely with Mr. Woods. I think that our backs are against the wall and I think that he is absolutely one thousand percent correct when he says that he does not believe, as I do not believe, that we have a mobile source problem in Allegheny County. Not only don't I believe it, but I can document it. I tried to get a member of the Air Pollution Bureau here today but, as you know, this is a legal holiday, it's Presidents Day. They would tell you what I know to be fact. And that is that we do not have a significant number of pollution days in Allegheny County or in the City of Pittsburgh, and I notice there are two reporters sitting in the audience who have been listening to me since 1969 and they know that I know what I'm talking about because I've never given them figures unless I documented them.

The facts remain that mobile sources are created in high density areas such as Philadelphia where you have tremendous high-rises, or New York City, or California where you don't have transportation. And what is happening is that in this area, we don't have maybe more than three days a year that we have any significant level and certainly not a health hazard.

I think it might be interesting to note how this all came into being. How did we ever make the automobile the villain and how did this consent order get signed? We ought to shed some light on that. There is a group called the Christmas Seal League, headed by Mr. Donahue. And Mr. Donahue was very instrumental in seeing that the automobile was the villain for air pollution controls. The National Christmas Seal Association have frowned on the actions of the local Christmas Seal and I can say this and document every word that I am saying. And because they were powerful people, powerful industrious in the community, and because many of the people who sit on the boards comprising the regulations were either the medical directors of U.S. Steel and medical doctors of various corporations and executives of the steel industry, in order to look for a scapegoat, the automobile was made the scapegoat.

I agree with you, Ben, our backs are against the wall. We don't have any choice and yet, when we do go for inspection, I guess we're forced into this program, but nevertheless, I guess it will not hurt us. Perhaps in the long run we will benefit indirectly by having our pollution control equipment checked, but I think it's a very sad day that there's significant things that we can be doing and we've been blackmailed into this program.

The Chair:

I think we're all aware, Michelle, why the emissions bill passed and thanks for elaborating.

Mr. Flaherty:

Mr. President, I am in opposition to the resolution. I feel that we should be standing behind our State Representatives and our State Senators. I believe that it's common sense that the areas of Allegheny County, Philadelphia and Allentown, are being blatantly discriminated against. This is the first time that I can ever recall that a mandate of this impact is trying to be forced upon certain constituencies. I have real problems just on the constitutional arguments in that it is so obviously non-uniform. Certainly the freeze on the federal funds is causing problems as far as the construction for the vital projects in the Pittsburgh area. But I think it's an issue that our Representatives in Harrisburg are extremely close to. It's my understanding that they feel that certain options still can be exercised and I think that they have made a very valiant stand and I think that they should be entitled to see the battle through to its completion until all options are exercised. I think its extremely important that we're going to put a crushing responsibility and a very heavy toll, a heavy cost, on our consumers, on our constituency. This is something that certainly has to be weighed in the balance as far as the need for the go ahead on the construction sites. It's my understanding that probably, even when all these options are exercised, that unfortunately this program probably will be adopted by the general assembly. And probably without the votes of the constituencies that are being discriminated against. If that be so, then that is the democracy of the majority

rules. But I don't think that we should be a part of it. It's our constituencies, our people, that are being impacted. It's a very small percentage of the state and even if we go down with the ship, I think we should go down fighting.

The Chair:

Obviously these funds should be released somehow, somehow. I don't know if this is the route to go because the feelings of the Pennsylvania Delegation and the State Legislature are very strong against this emissions act and I don't think they're going to pass it no matter what we do here today or what anyone else does.

Mr. Stone:

Mr. President, if I may. A couple of weeks ago I think I mentioned at a Wednesday meeting that I was actively working on this program through S.P.R.P.C. And I think the remarks that have been made here pretty much crystalize what's involved and it all boils down to Mr. Woods' very choice words, and that is the matter of the lesser of two evils.

Relative to this particular matter at this time, the emissions bill, I think the Allegheny County Delegation has been correct in their opposition of it to date for two reasons. Number one, it's going to cost more than most people think. Secondly, there is some serious question whether or not, after expending the sums to comply with the emissions bill, whether it really offers any material advantage or relief in the area.

But we are faced with this problem. It is true that the cure is probably worse than the disease, but we are mindful and should be mindful that we just recently passed a gas bill in Pennsylvania, roughly five cents. We

just passed the federal gas bill of an additional five cents. We're not excluded from that one. We will pay it and unfortunately, with the way the consent order applies, and there's been no legal way yet to get around it. And the last one was, hopefully, that the Congress will change it. And having been at the Federal briefing two weeks ago at Washington, D.C., it's my understanding from the powers to be there, both Congressional as well as UMPTA and highway people, that it was not likely that that route will be any relief. Therefore, we're again faced with the matter that the citizens of Allegheny County and Pittsburgh are faced with five cent gas tax on the state level. They're faced with five cent increase per gallon on the federal level but can't share it. There is now involved in this particular region some \$250 million. It's the kind of money that we just can't let pass and secondly, at a moment right now when unemployment is at its height, it would appear to me that, as Mr. Woods has said, I'd like to end it. And that is, rather than go down with the ship, let's try to save the ship so that we can save our roads and get use of the payment of funds that we're paying for the five cents to the state and to the federal and let's get on with the East Street Valley Expressway which is now nearly some twenty years in frustration. And those people in that area need some help from us today.

But, again, I'd like to end it as Mr. Woods began it. This is the lesser of evils at this time and we have to bite the bullet at the moment.

Mr. Robinson:

Mr. President, I had occasion to discuss this matter with Mr. Woods in some detail and basically agree with his approach at this point. One of the projects that is mentioned in the

resolution is the Pennsylvania Avenue Bridge. All members of Council are aware of the difficulties that we have experienced here in the City with attempting to build a new bridge on Pennsylvania Avenue. I won't recount all the frustrations we have met to date but certainly Judge Bechtle's decision to tie up our highway funds has indeed made the Pennsylvania Avenue Bridge a prisoner to one more situation. Without those funds it's going to be very difficult for the City of Pittsburgh to complete this project. Mr. Woods and Mr. Givens have been very active with people on the North Side and with the businesses on the North Side in trying to address the whole problem of the Pennsylvania Avenue Bridge. The problem is growing each day and as we have tried to find solutions, Mr. Woods has suggested that we at least get behind the effort to free up the funds, possibly could build the Pennsylvania Avenue Bridge. If we do not get the funds from Judge Bechtle and if this City is still committed to the Pennsylvania Avenue Bridge, we're going to have to look to our own resources. I am prepared to introduce legislation to take money from another project to build the Pennsylvania Avenue Bridge. I would hope that Mr. Woods' initiative and support of this Council would make that move unnecessary. I am prepared to ask the Post Office Department not to open their new facility until the Pennsylvania Avenue Bridge. In fact, I've already sent a letter to the Post Master General.

The point I'm trying to make is that while I do not necessarily agree on whether or not there should be the imposition of these emission test on our constituents, I certainly agree that the Pennsylvania Avenue Bridge, which is almost twelve years in coming, should be built, should be built yesterday. And unless this Council is prepared to dip into other project funds, to pass a tax increase, to look for a bank loan, it

seems to me that the almost \$100 million that Judge Bechtel has tied up is the key to financing the construction of the Pennsylvania Avenue Bridge. The design work is complete. All we need now is the money to go forward with construction. Every day we wait, the cost of that bridge goes up. It's roughly \$4 million today, tomorrow it may be \$4.1 million.

I support Mr. Woods' resolution because I believe it will be another attempt to get the Pennsylvania Avenue Bridge completed. Thank you.

Michelle Madoff:

Mr. President, I'm a little confused. My understanding is that Harrisburg has exhausted every avenue open to it and that we are now in a situation of having to choose whether to have inspections, which I believe are somewhat irresponsible in an area such as ours. I don't think it's irresponsible, Councilman Flaherty, in Philadelphia because Philadelphia does have an automobile emission mobile source problem. It's like mandating salt pile in Puerto Rico in case they ever get a snowstorm.

The situation is that we are sort of a discrimination of the highest order. What we need to do in addition to the support of your resolution, Mr. Woods, is send a letter to EPA Region 3, to the Allegheny County Air Pollution Bureau and to the President of the United States and EPA in Washington stating the facts, and the facts are available from the Air Pollution Bureau. We don't have a mobile source problem in Allegheny County and it is absolutely insane to punish local people because you want to have Philadelphia cleaned up, because you want to have New York cleaned. I'm just saying that this is the issue that I am trying to zero in on, and I think we all

are, but let's take it a step further. If there is still a chance of getting Reaganomics to act responsibly, then let's see if we can get the message across not to punish us and not to cut up our funds by sending a message from this Council to say that we can document the fact that this isn't our problem.

Mr. Woods:

Call the question.

Mr. Flaherty:

I am opposed and I just want to add that in concise terms I will not succumb to the blackmail of an extreme case of discriminatory judicial overreach and I think it's important that we support our State Representatives and State Senators in Harrisburg who have a much closer ear to the pulse of the problem and to the concerns of our constituents.

Mr. Givens:

I vote no on the issue and I would state that the cost to each citizen of the City of Pittsburgh is going to hit them right in their pocketbook. I'm looking at families, low income, middle income, two and three automobiles, because the needs of transportation today and that each one of these might be faced with hundreds of dollars of cost. I think our legislative body, both here and Allegheny and Philadelphia County, three counties have, in fact, in this state of sixty-seven counties have been holding this thing at bay for this period of time. I would hope that we could give them all the support we could and hope that the courts would reconsider, even though they're at a impasse at this particular time. I have to appreciate all the roads that are being held up at this particular time and the cost it's going to be for extension on these particular roads. But, at the same time, I think we have to support those

Legislators from both the House and the Senate of Allegheny County who have been supporting this particular measure, and I reserve the right, Mr. President, on this particular vote, at some time in the future to comment on this particular vote as to whether or not I would want to continue that support in the near future.

The Chair:

Everybody was given the opportunity to discuss so from here on in, let's vote and no more comments, please.

Michelle Madoff:

That's a little difficult. Everybody else has spoken, now you're going to stop —

The Chair:

You spoke three times on it, Michelle.

Michelle Madoff:

I'll tell you what. I'll get you a copy of Robert's Rule for your birthday.

The Chair:

You're allowed to discuss, you discussed it. You entered your discussion.

Michelle Madoff:

Five minutes. I just want to make a comment on my vote.

I completely agree with Mr. Woods that we are in a bind, but we need that money. Until it can be proven to me that we've exhausted every source, every possibility of changing this asinine regulation which impacts on our residents only and not address the real issue, I will vote no. And at a future

time, if we find that we've exhausted every other avenue and that we have no other alternative, then I will vote to go with it simply because we don't have any choice and I repeat, we've been blackmailed into a corner.

Mrs. Masloff:

It's my understanding that the highest court of the land has turned us down. We have no choice. I vote aye.

Mr. O'Malley:

I vote aye and I just want to make a comment. I think some of my colleagues are playing Russian Roulette with the Bloomfield Bridge and McArde Roadway, Grant Street, Arlington, and I think we have to get these projects finished. I'm in complete agreement with Councilman Woods.

Mr. Stone:

We waited on the skybus. Originally it was \$80 million. We're not in it yet and we have an abortive skybus system and it's close to \$500 million. We could sure use that \$420 million that we've wasted by waiting.

Mr. Woods:

I vote aye, of course. The people who voted no and who said that they want to talk to their Legislators, if they would talk to their Legislators, they'd tell you that it's over. They're just holding up the vote. Every Legislator that I've talked to said there's no other recourse. It's over. They're going to eventually vote for it. But just like Mr. Flaherty made the statement, "The public, I have to worry about the public, the consumer." That's all well and good in election year when you're running for office. But face facts. It's over. Quit politicking.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff
Mr. O'Malley
Mr. Robinson

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 6

NOES 3

(MR. FLAHERTY, MR. GIVENS AND
MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

The Chair presents

Bill No. 2569 WHEREAS, the Pittsburgh branch of the N.A.A.C.P. recently held elections for branch office's; and

WHEREAS, The N.A.A.C.P. was founded in 1909 and presently has over 500,000 members throughout the United States; and

WHEREAS, their primary objective is to achieve, through peaceful and lawful means equal citizenship right's for all American's by eliminating segregation and discrimination in housing, employment, transportation, voting, schools and the courts; and

WHEREAS, the N.A.A.C.P. is open to all persons of all races, and religion's who believe in the principles

and goals of the organization.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the members of Council of the City of Pittsburgh, on behalf of the citizen's of Pittsburgh hereby recognize and commend the members of the N.A.A.C.P. for their success in promoting unity, friendship, and equal citizenship right's for all.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

Obviously, we all want to congratulate the N.A.A.C.P. on their great deeds now and throughout the years. I believe the installation of officers is this Saturday and I'll be there to present the plaque and any other Councilmember is obviously welcome to come because I believe they've extended an open invitation.

Mr. Robinson:

Mr. President, if I might add to your kind words, as a life member of the Pittsburgh Branch N.A.A.C.P., I certainly am very grateful that this resolution has been introduced. I think all of us are very much aware of the historical efforts of the N.A.A.C.P., not only here in this City but across the country, to provide equal employment opportunity, better housing and a fair opportunity for all Americans. I think during these times of great economic crises and social upheaval an organization who has the strength and substance such as N.A.A.C.P. can be of immeasurable value to the City of

Pittsburgh in its attempts to provide equal employment opportunity and other areas of social equality. And I would hope that each member of Council would take some time out from their schedule on Saturday to attend the inspiration ceremonies at Bethel AME Church which is in the Hill District at 2:00 and to join with leaders in the black community in recognizing those people who have been selected to serve on the Board and people who certainly are dedicated to the progress of this City, but beyond that, who are dedicated to the progress and security of all people in our City. And I commend those people who are elected and I certainly stand ready to do what I can to assist them in their efforts.

Michelle Madoff:

Mr. Robinson, I hope you will not be offended by what I'm about to say. I, too, am a lifetime member of the N.A.A.C.P. and I was asked to join before an election so I could sit on the dias with all the people who were running that year and I refused to do that. Right after the lunch I went over and paid my fee for the lifetime membership in full and I don't think people should join the N.A.A.C.P. for political reasons or for personal grandiosement and I resent the comments that were made here. I would not normally have said this, but I resent the comments that are constantly made here that because it's an election, people here are making political statements. I've never said what I'm telling you today. I felt it was in bad taste that people who were running, there were several dozens of people, practically one hundred people sitting on the dias because they just signed up so that they could sit at the N.A.A.C.P. dinner. I want people to give from their hearts.

Again, I resent those kinds of comments coming out of here all the time by other members of Council.

Mr. Flaherty presented

No. 2532 Resolution providing for an Agreement/s for architectural engineering services and a Contract/s for construction in connection with Renovations to Fire Department headquarters, 6th Floor, Public Safety Building, at a cost not to exceed \$65,000.00, chargeable to and payable from Capital Project LB 83-03 (4-25-01-1963-83) Fire Headquarters Renovation, Dept. of Lands and Buildings.

Also,

No. 2533 Communication from Daryl H. Smith, Director, Dept. of Lands and Buildings, requesting interim approval for Stanley Magic Door, Inc. to make repairs to the handicapped door at the City-County Building, at a cost not to exceed \$1,000.00, payable from Capital Project LB 82-08, Renovations of Various Public Buildings, Dept. of Lands and Buildings.

Also,

No. 2534 Communication from Daryl H. Smith, Director, Dept. of Lands and Buildings requesting permission for Bruce MacDonald to attend a Basic Building Code Seminar at the Pittsburgh Hyatt Hotel on February 24, 1983, at a cost not to exceed \$85.00, payable from Code Account 1361, Misc. Services, Dept. of Lands and Buildings.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2535 Resolution amending Res. No. 1353, appr. Dec. 22, 1982, eff. Dec. 31, 1982, entitled: "Providing for an Agreement or Agreements with a consultant or consultants for the

Inspection of Fabricated Structural Steel in connection with the Radcliffe Street Bridge; and providing for the payment of the cost thereof," by increasing the project allocation by \$5,000.00 and by providing for a Supplemental Agreement or Agreements, payable from Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts.

Also,

No. 2536 Petition from the residents of Cypress Street (8th Ward) requesting to change Cypress Street between Edmond and Mathilda Streets from a two-way street to a one-way street.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2537 An Ordinance amending the Pittsburgh Code, Title Seven "Business Licensing" Article IX "Amusement Businesses", Chapter 771 "Amusement Places and Producers", Section 771.08 "Minors Playing Pool; Obscenity," by providing regulations prohibiting minors in Amusement Arcades during certain specified hours of school days.

Which was read and referred to the Committee on Public Safety.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Also,

No. 2538 An Ordinance amending the Pittsburgh Code, Title Three, Water, Article V, Chapter 333, Section 3, Ferrule Charge, by clarifying the property owner's liability. Which was read and referred to the Committee on Water.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 2539 Resolution providing for a contract or contracts including the use of existing contracts for construction in connection with renovations and rehabilitation of various Emergency Medical Services' facilities, at a cost not to exceed \$60,000.00, payable from Third Party Payer Trust Fund, Dept. of Emergency Medical Services.

Which was read and referred to the Committee on Lands and Buildings.

Also,

No. 2540 Communication from Charles Lewis, Chief, Dept. of Fire, requesting permission for Paul J. Imhoff to attend an executive meeting of the Association of Major City Building Officials in Arlington, VA on March 10-11, 1983, at a cost not to exceed \$190.00, payable from Code Account 1476, Misc. Services, Dept. of Fire, Bureau of Building Inspection.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2541 Resolution filling vacancies on Boards, Authorities and Commission.

Which was read and referred to the Committee on Planning, Housing and

Development.

Also,

No. 2542 An Ordinance requesting that the Board of County Commissioners of Allegheny County and the Director of the Dept. of Elections of Allegheny County place on the spring primary ballot a question of handgun control.

Which was read and referred to the Committee on Public Safety.

Also,

No. 2543 An Ordinance ensuring fair and equitable business opportunities for minority owned firms and firms owned by females when contracting with the government of the City of Pittsburgh and other governmental units of the City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 2544 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 13 by changing from "S" Special District to "R3" Multiple-Family Residence District 36,700 sq. ft. of site area located at the end of RENOVA STREET in the Hazelwood section of the City, 15th Ward.

Also,

No. 2545 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 13 by changing certain property from "C1" Neighborhood Retail District to "R2" Two-Family Residence District as having frontage on MOUNTAIN AVENUE; FISHER STREET and ORMSBY STREET, 16th Ward.

Also,

No. 2546 Resolution approving a Conditional Use under Section 993.01(a)A26 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Children's Oncology Services of Pittsburgh, Inc. for permission to construct a new rear extension to the existing institutional residence facility located at 500 SHADY AVENUE, 7th Ward.

Also,

No. 2547 Resolution requesting an investigation of the URA of Pittsburgh's programs and procedures to facilitate business opportunities for minorities and women, as well as, employment opportunities with the authority—pursuant to Home Rule Charter, City of Pittsburgh, Article III, Article VIII.

Also,

No. 2548 Resolution providing for the Issuance of a Certificate of Appropriateness for work on exterior of 441 Market Street, Block and Lot L-D-149 in the Market Square Historic District in the 1st Ward.

Also,

No. 2549 Resolution providing for the Issuance of a Certificate of Appropriateness for work on the exterior

of 218 Tennyson Avenue, Block and Lot 27-G-216, a residential structure, in the Schenley Farms Historic District, in the 4th Ward.

Also,

No. 2550 Resolution providing for the Issuance of a Certificate of Appropriateness for work on the exterior of the residential structures at 1419-25 Hamlin Way (Block and Lot 7-B-338), and 1223 West North Avenue, Block and Lot 7-C-017), and 1330 West North Avenue (Block and Lot 7-B-354) in the Manchester Historic District in the 21st Ward.

Also,

No. 2551 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 416 North Taylor Avenue, Block and Lot 23-K-068, in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 2552 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting permission for Robert H. Lurcott and Raymond Reaves to attend the annual American Planning Association Conference in Seattle, Washington from April 15 to April 21, 1983, at a cost not to exceed \$3,000.00, payable from Code Account 4-35-01-0001-82-49-82-35, Program Administration.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2553 Resolution amending

and supplementing portions of Res. No. 1383 of 1982, entitled, "A Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year, beginning Jan. 1, 1983, and ending Dec. 31, 1983, by correcting the appropriation amounts for various code accounts.

Also,

No. 2554 Resolution amending and supplementing portions of Various Pages of Res. No. 1384 of 1982, entitled: "A Resolution fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof, and setting minimum levels for designated positions," passed in Council on December 27, 1982.

Also,

No. 2555 Resolution providing for an Agreement or Agreements with Clinical Pathology Facility, Inc., for professional services in connection with tests for City of Pittsburgh employees exposed to pesticides, at a cost not to exceed \$2,000.00, payable from Code Account 1100, Misc. Services.

Also,

No. 2556 Communication from John Gabriele, Director, Commission on Human Relations requesting permission for Donna M. DiLeonardo and Sofronia R. Harris to attend a training meeting sponsored by HUD in Philadelphia, PA, on March 7-9, 1983, at a cost not to exceed \$1,100.00, payable from the HUD-FHP Trust Fund.

Also,

No. 2557 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting permission to attend

a conference on Administering Public Employee Health Plans in Chicago, IL, on April 10-13, 1983, at a cost not to exceed \$750.00, payable from Code Account 1063, Misc. Services, Dept. of Finance.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2558 Communication from George Jacoby, Director, Dept. of Supplies, requesting permission for James McNamara to attend a course on Increasing Public Purchasing Effectiveness in Nashua, New Hampshire, on March 21 and 22, 1983, at a cost not to exceed \$1,100.00, payable from Code Account 1128, Misc. Services, Dept. of Supplies.

Which was read and referred to the Committee on Supplies.

The Chair presented

No. 2559 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$8,180,317 to the Pennsylvania Department of Community Affairs for the North Shore Project.

Also,

No. 2560 Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project providing for the conveyance of certain property, clarification of provisions for the construction and dedication of certain public improvements, the abandonment of certain water and sewer lines, zoning changes, the installation of street lighting, the conveyance of certain air rights, the waiver of fees and charges for

certain permits and licenses, and for certain changes in the financing of the project.

Which were severally read and referred to the Committee on Planning, Housing and Development.

UNFINISHED BUSINESS

Mr. Robinson:

Mr. President, three weeks ago Reverend Simms, who is our MBE Coordinator and Mr. Pellegrini, who is our City Solicitor, appeared before Council relative to what is known as the United States Steel Project. At that time, Reverend Simms indicated that he would be able to have for Council within a two week period a report on the Minority Business Participation Program in that project and what would be done as the responsibilities under that project were transferred to a new group. That new group was going to be called Five Hundred Grant Street Associates.

Three weeks have passed and to my knowledge, unless the City Clerk has some new information, Reverend Simms has not appeared before Council, nor has he forwarded any information, nor has he given any indication that he will provide that information to this Council. I think it would be appropriate to find out from the City Clerk what, if any, efforts he has initiated to get that information for Council.

Mr. Perry:

I've spoken to Mr. Simms on Friday and he indicated to me that he will get that report over to you today. I spoke to him today and he said it was forthcoming.

Mr. Robinson:

The only comment I have, Mr. President, is that I think that when information of this type is requested, that Department Heads and others should understand the seriousness of the request. I think the Charter and the rules of Council provide for a number of ways of getting information that we need. When Reverend Simms was here, I very specifically asked him if he could have that information for us within a two week period. He said there would be no difficulty, that he would have it. We have not gotten that information from Reverend Simms.

We passed a very important piece of legislation in this Council based on his word and his assurance that he would have to us that information. If indeed this Council cannot take the word of our Department Heads and representatives of the Administration, then I think we're going to find ourselves in a position where the cooperation that is supposed to exist between the executive and the legislative branch of government is going to be brought into question. And, hopefully, members of this Council will understand the seriousness of what I'm saying.

Reverend Simms was here. The record reflects that. And I think all reasonable attempts have been made to hear that information from him and for whatever reasons, it has not been made available. I would hope that if other means are necessary to secure it, that Council will seriously entertain those other means.

The Chair:

Thank you.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2561

Report of the Committee on Finance for February 16, 1983 transmitting sundry resolutions with an affirmative recommendation.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2402

A Resolution entitled, "Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program; providing for the execution of Grant Contracts and for the filing of other data; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; providing for the deposit of the funds in a bank account and providing for payment of expenses within categories."

Which was read.

Mr. Robinson:

On Council Bill 2402, I have two comments then I'd like to make an amendment.

If Council will review the material in front of them, that section of the bill that specifically deals with the Unspecified Local Option Fund, I believe on the fourth or fifth page, these are

funds that Mr. Stone was so gracious to make sure we've had over the last few years. In 1983 it's projected that that fund will be \$751,000. Council should be aware that that is significantly below what we normally have. I did ask Director Lurcott, our Director of Planning, to explore the possibility of raising that to \$1 million. That would be \$1 million that this Council would have direct control over. I have not had any word from Director Lurcott on that suggestion and I would assume if the bill is coming forward with the amount \$751,000, that some decision was made that it should remain \$751,000.

I would hope that members of Council would be aware that this \$751,000 is going to be the only Community Development Block Grant monies that we will have direct control over unless we choose not to authorize the expenditure of funds in one of the other line items, which is a great possibility. There are several line items which could be added to the Unspecified Local Option and take us up to close to \$1 million. I want to share that with members of Council that it has been well over \$1 million and they have been reduced significantly this year in part because of the reduction of funds from the federal government, but also because there are other projects that are listed in the documents that are going to eat up.

One other comment and then I will make my motion. Relative to Section 9 of this bill which reads, "The City Treasurer is hereby authorized and directed to deposit funds referred to in this Resolution in the Pittsburgh National Bank". Without re-hashing my comments from last Wednesday, I'd like to make a motion to delete Section 9.

Michelle Madoff seconded the motion.

Mr. Stone:

I'm not so sure who the depository is. You have to designate some depository in a letter of credit to come before Council. Contrary to that, I have no problem with it. I think it may need another amendment after that.

While I'm on the subject, Mr. Robinson questioned the New World Bank situation. I met with the Finance Officer on Friday on that very issue and it is my understanding that a request for bids went to New World Bank. They didn't respond then and as of last Friday. We've got to put that back in motion and even though they didn't respond, we want to give them an added opportunity to respond with their decision and then it will be back to where it was before.

Mr. O'Malley:

I would like to add to what Councilman Robinson is talking about. We are spending \$20,493,000 in CD funds and I'm sure most of the projects are picked by the department heads and submitted to the Administration for their okay. Myself along with many members of Council go out into communities week after week and talk to the people that live in the area and they come to us with projects that they would like to see at least initiated and started and completed in their neighborhood. I've never seen a department head out at any of the meetings with the exception of Lou Gaetano. I'm not so sure this Council should not have a greater input into how this \$20 million is spent because a lot of these projects are certainly needed, but I think this Council should have a great deal more input on who is spending this \$20 million, let alone cut us back one-half million dollars. This \$751,000, which is supposed to be divided up amongst nine members of Council which

we feel is necessary --

Michelle Madoff:

Wait a minute. I never got any of that.

Mr. O'Malley:

Michelle, you know what I'm talking about.

I would like to make one closing comment. I think this Council should certainly have an input into next year's funds or not pass the bill at all or take it over completely.

Michelle Madoff:

Mr. President, I think I told this Council sometime ago that we need a fiscal advisor and --

The Chair:

Michelle, does it relate to this bill?

Michelle Madoff:

Yes, it does, Mr. President. I said that I would follow through on this at budget time, that if we didn't get a fiscal advisor, I would be willing to pay for it out of my own pocket. I advertised for a fiscal advisor or somebody who is public spirit-minded and who would be willing to work for very little and as a fiscal advisor I would take \$5,000.00 out of my own salary.

Now the thing that disturbs me here is Councilman O'Malley talking about \$20 million. Don't you think a fiscal advisor might be helpful to us in how to do these projects. The most cost-effective person would probably save us their whole salary in one year. Look how we spent \$35,000 on a bikeway on

Beechwood Boulevard -- the thing never stayed down!

The Chair:

Michelle, you mentioned this area about 50,000 times already.

Michelle Madoff:

I know I have and I'll keep mentioning it because everytime I bring this up my esteemed colleagues say it comes from the Mayor's Office.

Mr. Robinson:

Mr. President, I am going to ask that if we can drop Section 9, I think I will make another amendment which will read, "The City Treasurer is hereby authorized and directed to deposit funds referred to in this resolution in an appropriate institution or institutions." The New World National Bank shall be one of those institutions.

Mr. Stone:

I'm trying to get at the same thing you're getting at. I'm not so sure that they have the necessary funds anyhow. If you left the New World off and just dealt in that general language, you will accomplish the same thing.

Mr. Robinson:

Let me tell you what my concern is. This is on the amendment. Aside from I think the City's obvious commitment to Minority Business Development and our obvious commitment to put money in financial institutions that we have to be careful that we don't assume that if these financial institutions, these minority financial institutions, don't apply, don't appear to be interested, that we are relieved from our obligation to put

something there. I'm not sure of the process the New World National Bank was asked to go through, but I do know that we have a commitment to Minority Business Development and we have a commitment to put funds in New World National Bank. So, they shouldn't have to apply for anything. The money should be there. Some money should be there.

Mr. Stone:

I think what the problem was was the one who handed out the material, hand delivered one, was under the impression that everyone had to compete on the bids. Relative to Dwelling House and New World, because of their unique circumstances, they are not competing with the other banks. It was our commitment to give them an assist because of the group that they served.

Mr. Robinson:

You know, I think it would be fair that if twenty percent of this \$20 million were put in New World National Bank, I think that it's very easy for us to fulfill our commitment if we are aggressive on our end. It would appear that we have made a commitment to New World National Bank and now we're asking New World National Bank to enforce our commitment. That's putting a double burden on them. There's no reason whatsoever that this \$20 million should be coming into the City and be completely designated for Pittsburgh National Bank or any other bank in face of the fact that we already have a previous commitment to put money in New World National Bank for some very sound reasons.

Mr. Stone:

Bill, I don't think you understand what I'm saying. Most of the CD money comes in on letters of credit. Letters of

credit are not monies that are there for them to use on a long haul. The New World Bank nor Dwelling House Savings can use money that has a short term life. They need to have the longer life to it so they can turn it over in order to make the funds. That's the uniqueness of the market and I was one of the first to see that they got funds when this whole program started when they were over on Fifth Avenue. We've always tried to respect that end of it.

As far as getting the monies there, there's no question, that had the support of the Treasurer, the Finance Officer and the Mayor's Office as of Friday relative to that matter. I think there was a confusion, it's now cleared up. But the additional thing is, on these particular funds, these are letters of credit and, likewise, they are reimbursable funds. We advance the money and get it back. In short, they would not have the money for any period of time for which they could use it. And rather than limit it where you give it to them and they can't use these kinds of funds, I'm just saying from our overall City funds that's it's our commitment that they be funded in the nature in which we made our commitment.

Mr. Robinson:

Mr. Stone, you said that a portion of these funds, Community Development Block Grant Funds, come by way of letter of credit. And the same comment came up Wednesday. What portion of this \$20 million is not going to come by way of letter of credit? Because that money certainly can be placed in New World National Bank.

Mr. Stone:

That may or may not be true. What I'm trying to get across to you is that these funds, the way they come and

the way they are for reimbursement, they wouldn't be there long. All the New World Bank would be is a conduit. In and out in a matter of days, maximum a month. I don't think that's the kind of funds that they need in order to usefully carry out the needs that they have.

Mr. Robinson:

Banking is banking. I've never received any notification from New World National Bank that they couldn't handle short term funds. I have no knowledge of this meeting you said you had Friday. I have no knowledge of any commitment the City of Pittsburgh made to New World National Bank as of Friday. There is nothing in writing before us about any commitment. And I think rather than talk about verbal commitments and what we're going to do and what we think we want to do, let's look at the \$20 million, \$20 million that we're applying for. Let's look at the fact that we're designating it all to go to Pittsburgh National Bank. Let's look at the fact that we have a previous commitment to put money in New World National Bank. Either this City is going to put money there or we're not. We're not going to be able to fool people by meetings on Friday that are explained to us on Monday with people who are not here to talk about what their commitments are. Either we're committed or we're not committed.

If my amendment to delete Section 9 is upheld, then I'm going to make another amendment and hopefully it will be supported, and then if your meeting on Friday had any substance to it, there will be money in New World National Bank soon. Very quickly.

Mr. Stone:

Mr. Robinson, I'm going to try again. I'm trying to help to carry out the

intent. At this point, I've exhausted my patience with you, I'm going to let you do it any way you want.

Mr. Robinson:

I don't think it's a question, Mr. Stone, of you being impatient with me. I don't think that's an issue before this Council.

Mr. Stone:

I'm trying to help. You asked me on Wednesday to check and I did exactly as I was asked.

Mr. Robinson:

Mr. Stone, you also indicated you would give it to me. You indicated you would meet with me. You did not meet with me.

Mr. Stone:

Mr. Robinson, you spoke, now you let me speak. It was not my understanding I was to meet with anyone other than to meet with the Finance Officer --

Mr. Robinson:

It's on the record, Mr. Stone. It is on the record. You said you would meet with me. It's on the record. And I'll get a copy for you.

The Chair:

Let's move on the amendment.

Michelle Madoff:

I would like the motion clarified.

The Chair:

You want to delete Section 9,

correct Mr. Robinson?

Mr. Robinson:

Yes, sir. "The City Treasurer is hereby authorized and directed to deposit funds referred to in this resolution in the Pittsburgh National Bank." I want to delete that.

Mr. Givens:

I vote no and for reasons so state here that the World Bank had an opportunity to take in these type of funds. What I've been able to determine is that they want long term type of lending agreements. This is very short, in and out, and something that they don't want to really deal in, from what knowledge has been given to me so far. I vote no.

Michelle Madoff:

I vote yes and if we had a fiscal advisor we would have had that information for Mr. Givens.

The Chair:

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 6

NOES 2

(MR. GIVENS AND MR. O'MALLEY
VOTING NO)
(MR. STONE ABSTAINING)

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair:

Mr. Robinson, do you have a further amendment?

Mr. Robinson:

Yes, Mr. President. I make the motion to add a Section 9 which would read, "The City Treasurer is hereby authorized and directed to deposit funds referred to in this resolution in an appropriate institution or institutions. The New World National Bank shall be one of those institutions."

Mr. Flaherty seconded the motion.

Mr. Flaherty:

I have a question in regard to the amendment. Are you specifying in the amendment the numbers of dollars or percentage of dollars that should be deposited in the New World Bank?

Mr. Robinson:

No, I think Mr. Stone's concerns about whether or not a portion of this money can be put in New World Bank is well taken. Certainly the vast majority of the money does come in by letter of credit. But I think there a significant portion of this money that does not come in by letter of credit, probably about \$5 million, a portion of which or all of which could be put in New World National Bank. I think the thing that we should keep in mind is if we have a commitment to New World National Bank and that commitment has not yet

been carried out, it is appropriate for us once more to designate that we want a specific portion of some new monies to go in there. So a portion of the \$20 million can be put in New World Bank and it will not jeopardize the City at all. It will not jeopardize other institutions with whom we do business.

Mr. Flaherty:

I believe that you addressed the reason why I had asked the question. It's obvious that the Administration in the past has not acted in the utmost manner to guarantee the deposit of funds for the New World Bank and it seems imperative to me that perhaps we should put some teeth into the amendment because I don't see any indication of a change of heart or attitude that in the future that they will act in conforming to the intention and the good faith of the amendment.

Mr. Robinson:

Mr. Stone has indicated that he had a meeting with representatives of the Administration on Friday. I will accept Mr. Stone's word that there will be some action forthcoming. I do believe that your comments are well taken, but rather than try at this point to designate which portion of these funds are not going to come by way of letter of credit, and since Mr. Stone has not provided us with that information, I will rely upon his word and the word of the people in the Administration that they understand the intent of Council and that in the very near future a designated amount will be there.

I will also say this. If indeed there is no money in New World National Bank committed out of this \$20 million by the time we receive it, I will initiate the appropriate legislative action and I think everybody on this Council will have an opportunity to make their feelings

known about our commitment to Minority Business Development.

Mr. Flaherty:

How soon would that be, approximately?

Mr. Robinson:

I would anticipate that we should be receiving these monies within a thirty day period and within that period I would hope that the commitment that Mr. Stone is referring to will be manifest by some kind of agreement between the City of Pittsburgh and New World National Bank. So, I would say within thirty days, I will review the situation and hopefully, Mr. Stone and I will be able to talk about it. I'm sure we'll be able to do something.

The Chair:

Michelle, I think that amendment is rather clear, but if you have something to add --

Michelle Madoff:

Mr. Robinson, I would like to see your motion amended to read, "The City Treasurer is hereby authorized and directed to deposit funds referred to in this resolution in an appropriate institution" and either say "including New World Bank" or just leave it closed at "an appropriate institution".

A lot has come out today. What is this nonsense about New World Bank not wanting long term or short term money? I think they want any money because, like everybody else, they can invest it in sources that all banks have access to. I personally will call New World Bank in which I have money and I am a stockholder, and I will ask them whether they will turn down short term

money and then I would suggest, Mr. Robinson, that not thirty days, but next Monday, that there is a resolution before this Council to honor a commitment that we've already made repeatedly, that we will put some funds in New World Bank even though it is not competitive because we have a thirty-three and one third percent black population in this community. And I would suggest respectfully that you do it either one of two ways. Either an appropriate institution, period. Or an appropriate institution including New World Bank.

The Chair:

Mr. Robinson, do you want to withdraw your amendment?

Mr. Robinson:

No.

The Chair:

Okay. The amendment stands.

Mr. Robinson:

Her second suggestion, I think, is covered by exactly what I said. It says the New World National Bank shall be one of those institutions.

Michelle Madoff:

I'm sorry. I thought you said -- That's not how you read it the second time, Bill. Thank you.

Mr. Robinson:

Just one other comment, if I might, Mr. Chairman. I don't think that anyone should interpret my actions today to exclude New World National Bank from participating in any other kinds of programs we have in the City where the Mayor or the appropriate financial

officials or Mr. Stone, our Finance Chairman, determined that money should be deposited there. I'm only making reference to the \$20 million that we'll be receiving by way of our Community Development Block Grant Program.

Mr. Woods:

Mr. President, in line with a couple of my colleagues' statements over the last few months about abstaining from voting on anything they have interest in or where they're relations or whatever, Mrs. Madoff just made a statement that she has stock in New World Bank. Well, I feel that she should abstain from voting on this amendment.

Michelle Madoff:

May I address that, Mr. President? My stock is \$100. I declare it openly. I do it on my disclosure. I do it on the ethics thing that I have to do in the state. And if we're going to get into that, when we get to the Warner Cable hearing, I want to declare every member of this Council who has a relative working there -- I do not have a relative working for New World Bank.

The Chair:

Question called for.

Mr. Stone:

I vote aye with the understanding that I'm voting for it because Mr. Robinson wants it. I would rather he followed my words of caution though.

The Chair:

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

Mr. Robinson:

Mr. President, on this same bill, I'd like to offer an amendment which would move \$240,000, this is on page six, under Housing and Redevelopment Authority continued. It will remove \$240,000 from UR-83-17, Pittsburgh Business Assistance Revolving Loan Fund, and add \$240,000 to City Council, which is on the previous page, City Council, CC-83-01, Unspecified Local Options. In effect, what we would be doing is reducing the Pittsburgh Business Assistance Revolving Loan Fund to \$500,000 and increasing the Unspecified Local Options for City Council from \$751,000 to \$991,000.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2448

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Niko Contracting Company, in the amount of \$12,876.00 in payment for emergency roof repairs furnished for the benefit of the City in connection with the City Vehicle Maintenance Facility."

Which was read.

Also,

Bill No. 2455

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Conn Construction Company, in the amount of Four Thousand Nine Hundred Eighty Five (\$4,985.00) Dollars in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Mission Street Bridges; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2461

A Resolution entitled, "Resolution repealing Resolution No. 31, effective January 24, 1979, entitled, 'Authorizing the issuance of a warrant in favor of Ram Construction Company in the amount of \$1,385.60 in payment for work performed at the Pittsburgh Zoo, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof.'"

Which was read.

Michelle Madoff:

For the record, the reason I'm voting no on Bill No. 2461 is because it is a Zoo bill without trust fund and the City of Pittsburgh residents are picking up all the deficits for the suburbanites.

Mr. Stone:

Mr. President, if I may. The only reason I'm voting for it is because there's the present need and we have to keep

and maintain the Zoo as it should be and if we don't fix it now it may cost us ten times more later than paying for it now. I think being responsible as a City official, I have no alternative than to vote for the needed money now.

Michelle Madoff:

Give the Zoo to the County.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2462

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Sonitrol Security Systems in the amount of \$2,229.00 in payment for work performed at Magee Recreation Center and Wightman School Annex, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2463

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Aquatic Systems, Inc., in the amount of \$26,150.00 in payment for a 4,000 gallon aquarium at the Pittsburgh Aqua Zoo, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2464

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$318.55 in payment for reimbursement for utility costs for Sheraden Senior Citizens Center, furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2476

A Resolution entitled, "Resolution providing for the issuance of a warrant to Joseph E. Metro, Martin M. Metro, Bernard Metro and Veronica Metro, c/o Peter J. Mansmann, Esquire, 220 Grant Street, Pittsburgh, PA 15219 in the amount of \$5,000.00 in full settlement of claims for real and personal property damages and providing for the payment thereof."

Which was read.

Also,

Bill No. 2477

A Resolution entitled, "Resolution providing for the issuance of a \$34,500.00 warrant in favor of Bridget A. Davis in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2478

A Resolution entitled, "Resolution providing for the issuance of a \$1,809.05 warrant in favor of Budget Rent-A-Car, in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2479

A Resolution entitled, "Resolution amending Resolution No. 285, approved March 31, 1982 and effective April 5, 1982, entitled, 'Providing for an agreement or agreements for professional services in connection with the Clean Community System Program of Keep America Beautiful, Inc. and providing for the payment of the costs thereof,' by providing for an increase in the appropriation therefor from Thirty-Five Thousand (\$35,000.00) Dollars to Seventy Thousand (\$70,000.00) Dollars."

Which was read.

Also,

Bill No. 2480

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an agency or agencies to provide labor market orientation services as required by the U.S. Department of Labor in connection with the Comprehensive Employment and Training Act (CETA) Summer Program, and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2562

Report of the Committee on Planning, Housing and Development for February 16, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2162

A Resolution entitled, "Resolution authorizing the Mayor to enter into a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh to act as the fiscal agent of the 1983 Blight Prevention Program, and providing for code enforcement and demolition services by the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2216

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A33 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the Housing Authority of the City of Pittsburgh for permission to construct a seven-story building to contain 66 dwelling units specifically as Housing for the Elderly with parking to accommodate 14 automobiles on certain property located on the easterly side of Brownsville Road between East Woodford Avenue and Hazeldell Street, identified as Lot No. 271, Block 95-D and Lot No. 75, Block 95-H in the Allegheny County Block and Lot System, 29th Ward."

Which was read.

Mr. Givens:

Mr. President, on Bill No. 2216, the Carrick high-rise, I would like to make a motion to recommit Bill No. 2216 to be held for thirty days for consideration of the citizens of Carrick and to investigate the allegations that have been brought to our attention during the Council's public hearing some two and a half weeks ago.

The Chair:

What allegations are you referring to?

Mr. Givens:

Many allegations have been brought up and distributed. I think you received a copy, I received a copy. I'm trying to look into these allegations but it's probably going to be even more than thirty days before I can get at the bottom of it and review some of the concerns of the citizens of Carrick.

Mr. Flaherty:

What are some of the allegations?

Mr. O'Malley:

I think the main allegation Mr. Givens is talking about is impropriety of a zoning change in 1966 which really should be dealt with by the courts and not by this Council.

Mr. Givens:

I have a motion on the floor to recommit Bill No. 2216.

Mr. Flaherty seconded the motion.

Mr. Flaherty:

I will second it just to open it up for discussion and hopefully Councilman Givens will address more the heart of his motion.

Mr. Givens:

I think I indicated exactly what it was, the allegations. On the bill itself, I will discuss the bill itself and the merits of the high-rise in Carrick. But my motion stands to recommit it. I indicated last Wednesday some of those

reasons.

Mr. Flaherty:

Would you please briefly reiterate? Tell us some of those reasons.

Mr. Givens:

There's noise pollution, flammable liquids, sewerage, to name a few.

The Chair:

If I may take the prerogative, if I was still here Wednesday, I had to go to a doctor's appointment and, unfortunately, the meeting went a little longer than I thought it would go, at the same time, I would have voted for a hold motion then. Not for the reasons Mr. Givens has given but because of reasons I was shown by the people in that area in regards to their opposition and where there was a possibility I thought, even though remote, of a compromise, going to another area up above where Foodland is on Stewart Avenue, or whatever. But that would be my only reason for a hold motion hoping that there could be some sort of compromise made and maybe the high-rise put in a different location. But I'll be quick to say that if there could be no compromise made, I would vote for the high-rise because I want to be consistent. I've never voted against one and I'm not going to start now. But the reasons given by the people in that area, those in opposition, are very sound reasons and they came from the heart and I certainly appreciate their sentiments and feel that they had a very good cause in regards to the opposition. But at the same time, I repeat, I would have voted for the high-rise but hoping that they could have made a compromise and placed it in a different area which would have satisfied everybody.

Mr. Robinson:

Mr. President, if Councilmembers will check the information in front of them, they will see that this bill was presented in Council on December 20, 1982. This bill has been before Council for a good period of time. I did hold the bill so that we could get some additional information. We had a public hearing at which time members of the Carrick community came in and I think it was one of the longest hearings we have had. Certainly a number of allegations, accusations and concerns were raised. I think every member of this Council has been bombarded with phone calls and letters, pro and con, on this project. There are those who want it and there are those who don't want it.

When the bill was in Council last Wednesday for a vote, I made a motion to disapprove. And I made that motion because I thought there were some serious questions raised. I wasn't quite sure that all those answers were given to the people who called for the hearing. Not one member of this Council supported that motion to disapprove. I then made a motion to approve and every member of this Council supported that with Mr. Givens raising some comments, some questions, I believe some of the same questions he's raising today.

The point I'm trying to present is that certainly this bill has been before this Council long enough for all the accusations, all the concerns, to be addressed. Certainly every member of this Council has had an appropriate opportunity to investigate, to call for whatever information they needed, and certainly the people of the Carrick community have had more than enough opportunity to let us know what their concerns are.

Some members of this Council, I

believe, received some communication from some people in the Carrick community who have suggested that we have dealt with them unfairly. These communications are from people who are not in favor of the project. There was a suggestion in one communication that if we didn't vote this project down, they would take some other actions. I can only assume that they mean other legal actions. This Council in the past has been confronted with the same situation, where we have not acted in a certain group's interest. They have proceeded in a legal fashion to have this matter resolved in court. That is certainly the right of anyone who lives in the Carrick community or anyone else in the City of Pittsburgh if they choose to do so. I would hope, though, that this Council would not do anything to encourage anyone to take legal action based upon the notion that we have been unfair, that this Council has been unfair, that we have not deliberated on this matter and that members of this Council are not voting their conscience. When I asked for the motion to disapprove, I did that without any knowledge of how a member on this Council stood and I did not ask anybody on this Council to vote for or against the bill. When there was silence, I interpret that to mean that members of this Council were in favor of this bill. When I made the motion to approve, everyone who wanted to vote in favor of it did, and I think the record will reflect that this Council, by an overwhelming majority, is in support of this project. If there are members of this Council who have changed their minds between Wednesday and Monday, we will find out when it's time to vote. But I hope that we will be fair, not only to the people in Carrick, but fair to ourselves and other people in the City of Pittsburgh because I think we certainly have had an open process and one that has allowed everyone to have their say. This Council has voted and we have been fair.

Mr. O'Malley:

Call for the vote.

The Chair:

Is there any further discussion on the recommittal?

And on the question, "Shall the recommittal pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

AYES 1

NOES 8

VOTING NO:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Givens:

On the bill itself, No. 2216, you brought up one of the major points that I was going to discuss and that is the fact when a particular community is split, or we receive information that is conflicting in nature, and that the public hearing was only two or two and a half weeks ago, that most of this only became knowledgeable to us at that particular time. If the Council people did not address themselves to go up to the site and look at some of the conditions that surround that, then I think they're being misled to some degree.

But the big thing on the community itself, we've had many cases come before this Council wherein there were great divisions on both sides of many issues. I can think of Allegheny Community College for one. The University of Pittsburgh for another. Other high-rises on the North Side. We had great divisions of people who came into this Council to be heard. And we repeatedly would send that back out to the community for a resolve.

Why then, on this particular Carrick case, did we not try to attempt to do this? Why then did we not see that all the citizens out there had all the information and were able to investigate everything and have the various Administrators from the City of Pittsburgh go out and justify the allegation? What is the great big rush on this one particular issue that we turn around and give these people a little bit more time? They only had their day in this Council two and a half weeks ago. I submit that this Council is moving very rapidly in an area that should require some investigation.

With that, Mr. President, on the bill itself, 2216, I'm concerned about the cost of over some \$4 million for 66 some elderly people to be housed, in a public housing for the elderly. I feel that someplace, somewhere, some of us must sit down, both at the local level of government, state, and at the federal level, and determine how this money can be used much more adequately to help our elderly population, to help them as we find out here in taking care of their sicknesses, in taking care of their heat, because they can't heat their particular homes right now, in taking care of their food and housing requirements. We are, in fact, driving elderly out of their own homes that they want to remain in and herding them into institutions because to help a small minority of people, a small

minority of our total population, can never fit in these houses. I submit to this Council that we must look for better means of spreading that some \$4 million out over the greatest population of the City of Pittsburgh and, in fact, of this Country.

I'd like to continue, Mr. President. I don't like institutions, number one. I don't like our elderly citizens to be put in these institutions when in fact it breaks up the unity of the family. I'm concerned about the cost on this particular thing. Statements were made to us on some other projects throughout the City of Pittsburgh and Allegheny County, and for the record I would like to enter it. In Bedford, PA, elderly housing, sixty some people, the cost is only \$1.5 million. Pittsburgh, PA, for 39 units, family housing, \$1.3 million. For Broadhead, right here in the City of Pittsburgh, 448 townhouses, \$4 million. Northview Heights, Pittsburgh, 1,000 units of family housing, \$10 million. Allentown, 104 units, elderly housing, \$4.5 million. Carrick, 66 units of elderly housing and the cost of almost some \$4 million.

Why is Carrick high-rise costing so much money to build? The design on that high-rise is something I'm a little bit concerned about also, Mr. President. I think the neighborhoods have a right to determine their own destiny. Too many people in Carrick are saying that they do not want this particular facility there for whatever reasons, and I think these people ought to be heard. There's legal questions that have been raised. The community involvement, many people in Carrick feel that they have been deceived and I think this has to be addressed.

Also, Mr. President, this particular high-rise has been refused in many years gone by. And this particular

time it came by very quickly. Yes, Mr. Robinson said sure it was before us in December. And that was during our heaviest point of our financial deliberations on our budget. Yes, it came before us and a hearing, a public hearing, and yes, we did receive some additional information. But all of us have to know and understand that so many hearings that we've had, some concerted hearings that we've had in the last couple weeks, we only have the opportunity almost a week before, the week of, to go out and really do any investigative work. And I would ask by the raising of the hands of this Council, if they so want to indicate, how many of them have been on the site, how many of them walked over the physical facility out there to see what it looks like? —

The Chair:

We were all there. We're all aware of it. Mr. Givens, everybody is aware of everything you're saying now. You're just repeating. This was all brought out at the hearing.

Mr. Givens:

I am not repeating, Mr. President. There have been many debates that have gone on in this Council for forty-five minutes, one hour, where one person spoke. I will be finished in about ten minutes, if you give me the time, please.

As I have indicated, Mr. President, this neighborhood and the City Administration, the Housing Authority of the City of Pittsburgh, in years gone by the Mayor of the City of Pittsburgh, while he was a Councilmember here, many of us that were here, supported the people in Carrick in refusing what was going on up there right now. I'm still concerned and always have been concerned on high-rises for the elderly

that go up to the eight-story variety. We've had many of them in this City, that the people and the residents came in and fought the height for one reason, for the security of the people.

I am concerned, if any of you have walked over that particular site, to see that the flammable liquids that are stored close by in an automotive repair shop there and it's something that must be addressed along with the noise and the pollution. But if anyone was on that site and looked out and saw what's around it, I wouldn't want my dear mother to be looking out at a car wrecking lot right next door in the last years of her life, and I don't think these people want it either. If the high-rise is to go in that location or if the high-rise is to go into Carrick, I submit that we look at some other sites that the Carrick people themselves said that the high-rise should go. Don't try to build it in this particular location because it's to a disadvantage to the people and the residents that will be living there.

We have sewage problems and I have great concerns and sympathy for the people who have homes in back of that particular building and the one apartment building to the side of it, to have an eight-story sky-scraper literally sitting in your back yard. It's not right and it's not just to those people. Sure, it's zoned to accommodate that type of housing. But at the same time, if any one of us drive up along Brownsville Road, we can see that the highest buildings in the whole area are something like three and four stories. Why isn't this three or four stories and to blend in with the rest of the area up there.

Again, Mr. President, I have to comment on what you said on the community and the community involvement. I think we should hold this thing, but as the Council so indicated,

they do not want to. I also must indicate to all the Councilpeople here the track record public housing in our neighborhood. One only has to go into many areas and find out that there is a lot of dis-repair in those particular neighborhoods and, in fact, the housing itself.

If they're coming in and asking this Council for millions of dollars each year to try to maintain the present housing that we have, how then can we afford to go out and spend almost \$4 million new federal dollars on a new structure when in fact we have housing here and the Housing Authority that is dilapidated, falling down, rat infested, cockroaches and you name it. I submit, Mr. President, that we should hold this bill and deliberate on it for thirty days giving everyone the ample opportunity to investigate and reconsider this particular high-rise. Thank you, Mr. President.

The Chair:

First of all, we're beyond the motion to hold, we're going to vote.

Mr. Flaherty:

Mr. President, I am in support of the resolution and I'll try to be extremely brief but I believe that there needs to be some clarification for the record and for the people that are from Carrick here and for the public in general. I don't think this Council is acting in any more expeditious fashion in regard to this high-rise for the elderly than it has in the past on comparable housing for the elderly. I think it's important to put that into perspective.

We are certainly all aware, and there's no reason to really get into speechifying as to the need for adequate housing for the elderly. I respect the residents from Carrick that came

forward and stated their objections. Some of them, I thought, were most eloquent and I felt bad for those people the way that this Council acted on Wednesday without saying a word, and I was part impartial to that. But today, I am addressing their objections, and in a nutshell, we heard they were in regard to cost and to noise pollution and to fire and to toxic waste. I believe for the most part that the so-called City experts at the public hearing addressed those concerns. Perhaps not as fully or as substantially as the critics of the high-rise would want. But it was sufficient enough as far as my vote. I had viewed the site. I had heard from the immediate residents of the area on my walking tour of that area and I have to say that perhaps there could be a better site. But when we talk about the issue of housing for the elderly or housing for the handicapped or housing for the juvenile offenders or any sort of transitional housing, there is always a better spot. But we are in the real world and sometimes we have to go with compromises as to what is best for serving an immediate problem and serving those that are in need.

In response to my colleague, Councilman Givens, who I'm sure is very sincere in his arguments, if we were to look for a place that would have no noise, no pollution, no fire hazards, no lack of costs, the only place I could think of is the cemetery. And I think it's crucial to keep in mind that senior citizens, for sixty, seventy, eighty years, have lived with noise pollution and costs and perhaps not the best access to food, and if we were to change that it might be such a cultural shock it could be their demise. These people are like anybody else, let them experience the full world. I'm content in my view that the high-rise on Brownsville Road is certainly a step up and certainly one of the most charitable and important things

that the government does for its elderly. It gives them a decent home and if the cost is \$4 million, that's a drop in the bucket as far as federal funds and it's not for sixty-six elderly people. In the life of that high-rise it may bring comfort and joy to thousands of our elderly and I support it.

The Chair:

Your points are well taken, Mr. Flaherty.

Mr. Givens:

I'd just like to make one comment. Basically, I was trying to say that this unit is going to cost some \$4 million. I submit to this whole Council that if you look in any high-rise, and we have very limited high-rises for the elderly in this City, that there are many, many thousands of elderly sitting out there that aren't getting any help at all. Who is going to help them? It's nice if you know somebody and get in the high-rise. But if you don't know anybody, you're not going to get in that high-rise.

Michelle Madoff:

Mr. President, I don't know if you're aware, but I would like to share with this Council that a number of hate letters are circulating about members of this Council who indicated, and as you did yourself, Mr. President, that if you were called upon to vote you would vote for the senior citizen high-rise. We have never rejected one in this Council. I'd like to point out, Councilwoman Masloff and I were just discussing that the one in Squirrel Hill, the Greenfield area, the ones over a slag-heap, a slag-heap, where there are senior citizens living who are thrilled to be there because they live better than they are living in other places and these people are moving out of fine homes in Squirrel Hill.

And I think we should not diminish the people who do have some genuine objections, not those of the high-rise location but those of other issues. If there is a genuine concern about noise pollution, if there's a genuine concern about sewage, and I believe there was on sewage, if there's a genuine concern about a lack of police protection, that should have no bearing on this high-rise. Twenty-five signatures of any people in any community can have a hearing before this Council and I know as President you would not deny them that hearing. They're separate and apart issues.

I think it's important that we vote for the senior citizen high-rise and get on with it because no matter what we do in biting the bullet, there are going to be people who are going to vote against us and hate us, there are going to be people that love us. No matter which side you take, the others aren't going to be with you. But I think we have to treat everybody equally and fairly and that if they have genuine concerns on other issues we have to hear those concerns.

The Chair:

You better be a little thick-skinned because you're going to continue to get it. I have a party, I don't know if it's a man or woman, who sends me a card about every week, obviously never signs his name, and last week he referred to me as a dago-wop-mafia-jew. I don't know what that is. Maybe somebody can give me a definition.

Mr. Robinson:

Mr. President, I'd just like to make a couple quick comments about some of the things Mr. Givens said, and certainly I want to let everyone know I take serious his concerns. First of all, Mr. Givens made some comments concerning public housing. I think that

all of us should be very sensitive about making comments concerning the conditions of public housing in this City because to a certain extent it reflects upon the people who live there. That is a very sensitive issue. It's a very touchy issue. It has all kinds of ramifications and I would hope that any comments we make about public housing we make them specifically in reference to attempts to improve the conditions and perhaps not say anything that might insult or inflame someone who lives in public housing.

Also, about the conditions of public housing, in 1983, our Community Development Block Grant Fund Program, which we just approved the application for, provides for over \$2 million for modernization of our public housing units. And I'm sure Mr. Woods and the members of that Board are going to do everything they can to see that that money is spent wisely. That is not enough money and it obviously is not going to solve all the problems but I'm sure there are enough people in public housing to keep Mr. Woods' feet to the fire that the \$2 million will not be wasted.

Also, the issue of researching the subject, if Council remembers, we had a research coordinator, Mr. Al D'Alessandro, who served in that capacity about a year or so ago. Without getting into any specifics of Mr. D'Alessandro's responsibilities, certainly Council selected him to research issues of importance for this Council. We presently do not have a research coordinator. Mr. D'Alessandro was promoted and a well-deserved promotion. Mr. Givens' concern about research, I think, should be addressed in terms of making sure that we have staff people on our staff here in Council who can do research work. And I think we ought to address ourselves to finding a replacement for Mr. D'Alessandro

because this issue is going to keep coming up. Having someone who is assigned to do research, we need it, we need it as much as we need anything else around here, and I think Mr. Givens is right on target in terms of Council, perhaps, not having the capacity to do all the research we need.

The last concern relates to something that Mrs. Madoff touched upon, and that is the letter, the innuendoes, the suggestions of personal conflicts of interest. We often get these kinds of letters and I think that the record should reflect that if there is a member of this Council who has a conflict of interest, if there's a member of this Council who is doing something that is not proper and not in accordance with the Home Rule Charter, that the people who have that information should take it to the appropriate authorities. I don't think any member of this Council should stand intimidated by any community group, any organization or any individual in the performance of their duty. We're protected by the Constitution of the Commonwealth of Pennsylvania. And I don't think anyone should take lightly our obligation to vote our conscience and our obligation to do that without fear of intimidation. If there are people on this Council who have conflicts of interest or who are operating in a fashion that is not consistent with the law, the people who have that information have an obligation. If they're concerned about the public, they have an obligation to take that information to the appropriate authorities so it can be processed. I, as one member of this Council, don't have any conflicts of interest in reference to this project and do not feel intimidated by any suggestions that any of my colleagues do or I might. And I would hope that my vote would be interpreted as one that took into consideration the pros and the cons and that I was swayed

ultimately by what appears to be an overwhelming interest on the part of this Council to support this project and an overwhelming interest on the part of this Council to find the appropriate remedies to the problems that Mr. Givens raised. If the petitioners, if the people who are against this project are sincere, then we will be seeing them again in court because they will exercise their right to try to stop this project at the next level. And I certainly respect their right to do so, but it's rather obvious, in the interest of fairness, that this Council move forward and vote for this project at this time.

Mr. Givens:

Mr. President, for the record, one comment. This Council has, on many occasions, turned back by a vote of this Council various high-rises for the City of Pittsburgh, several of them in Squirrel Hill, and most of them because of fire, the maintenance room, the type of occupancy that these people are going to have to live in, the traffic pollution and everything else. So, this Council is on record of turning down high-rises for the elderly. It is not the first time and it's not the first time this Councilman has voted against this particular high-rise when in fact it affects people living in and around that particular high-rise.

I'm going to continue my research on this and report back to this Council in a timely fashion.

Michelle Madoff:

Question called for.

Mr. Stone:

I vote aye for the following reason. When this program began, I happened to have had the opportunity to be Chairman of the Planning and one of

the demands that the Chairman of that Committee that I had requested was that the Section 8 in the City of Pittsburgh be geographically distributed.

The advantages of the program are quite obvious but need repeating in this sense. Those particular elderly people who have spent all of their useful working life in this City are entitled to the benefits of this program which requires of them only to pay thirty percent of their income as their monthly rent. In addition, when the housing is open in Section 8, the elderly presently are living in large homes which they could not give up. This gives them an opportunity to move into the homes and there after opening the homes to younger couples afterwards.

Relative to this Section 8 program, regretfully the federal government is cutting it out and we have no choice but to go forward now. When the Carrick high-rise for the elderly was originally intended on Sankey Avenue, we voted that one down. This is now the zero hour. There is no opportunity and not any more money after this to be carrying out this kind of program. So, it's now or never because the federal funds are drying up.

The elderly of Carrick are entitled to the benefits. And so that there be a clear understanding of what's involved, I supported the Moore School Project and have been on that for roughly ten years. In it's final analysis, it will not be what I originally intended, namely, if we tear it down and build up a Section 8 housing program. Nevertheless, seventy some units will be there to receive elderly people.

Relative to Allentown, that one is not exactly as they had wanted, but nevertheless, some seventy units will be open for the elderly. It is my belief that

sixty-six elderly in the Carrick, like every other area of the City of Pittsburgh, are entitled to the benefits.

The Chair:

I appreciate the fact that Council has a very difficult decision to make today, obviously, myself included. But as I stated earlier, I will be consistent and vote aye.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Woods presented

Bill No. 2563

Report of the Committee on Supplies for February 16, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2471

A Resolution entitled, "Resolution providing for the letting of a contract or contracts; or for the use of existing contracts for the furnishing and delivery of Interior Shelving for Rescue Unit for the Department of Emergency Medical Services and for payment thereof." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2564

Report of the Committee on Parks and Recreation for February 16, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2465

A Resolution entitled, "Resolution providing for an agreement or agreements with various independent contractors and/or consultants to provide instruction and/or services in connection with the 1983 Community Education, Environmental Learning and Leisure Activities for the Handicapped Programs, and other Recreational Programs as needed, in the Department of Parks and Recreation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2466

A Resolution entitled, "Resolution providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the implementation of the Master Plan of the Pittsburgh Zoo and providing for the cost thereof. The consultants shall include all or part of the following firms: GWSM; Agnew Moyer Smith, Inc.; J.A. Morgan Associates; Jones and Jones; Eugene Hannigan, Consulting Engineers; Robert Kimball and Associates, GAI Consultants, Inc.; and Lee Goldman Associates."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2467

A Resolution entitled, "Resolution amending Resolution No. 1430, effective January 1, 1981, as amended by Resolution No. 505, effective May 22, 1981, entitled, 'A Resolution adopting the 1981 Capital Budget and approving the 1981 through 1986 Capital Improvement Program' by correcting prior year funds and transferring monies from Southside Riverfront Park to Project Specific Trust Fund; and increasing the funds allocated to Phipps Conservatory."

Which was read.

Also,

Bill No. 2468

A Resolution entitled, "Resolution amending Resolution No. 1083, effective October 21, 1982, as amended by Resolution No. 1267, effective December 16, 1982, entitled, 'Providing for a contract or contracts or the use of existing contracts for the rehabilitation

of Phipps conservatory; and providing for the payment of the cost thereof, by increasing the funds authorized."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mrs. Masloff	Mr. Stone
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 6 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2565

Report of the Committee on Public Safety for February 16, 1983 transmitting one ordinance and two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2361

An Ordinance entitled, "An Ordinance

amending and supplementing the Pittsburgh Code, Title Seven - Business Licensing, Article V - Trade Occupations, Chapter 741 Warm Air Contractors, Chapter 743 Welders, Chapter 745 Stationary Engineers, Chapter 747 Electrical Contractors, Chapter 749 Sign Contractors, Chapter 701 General Provisions, Chapter 713 Pawn Brokers, Chapter 715 Junk Dealers, Chapter 717 Antique or Second Hand Dealers, Chapter 719 Vendors and Peddlers, Chapter 721 Transient Merchants, Chapter 723 Trade Fairs, Chapter 763 Parking Lots, Chapter 765 Commercial Refuse, Chapter 771 Amusement Places and Producers; Chapter 773 Sunday Activities, Chapter 777 Mechanical Amusement Devices and Chapter 779 Public Dance Halls and Dances."

Which was read.

Mr. Givens:

On Bill No. 2361, I'd like to make an amendment to that bill that already has passed. I had to step outside for just a second. This was in Committee on Wednesday and approved, but it has to be read into the records.

The Chair:

Mr. Givens, the bill has been approved. I don't know if we can amend it after the approval or not.

Mr. Givens:

This was read into Committee, it should have been placed in the bill then. I asked that to be done Wednesday, I shouldn't even be reading it right now.

I am addressing the Chief Clerk: When I read this, I read it verbatim on Wednesday. Why isn't it in the bill?

Mr. Perry:

It had to be amended. It wasn't amended in Committee.

Mr. Stone:

Point of order. He is correct. He was to bring the correction here and as Chairman on Wednesday, he wanted to make the amendments there. I told him to make a copy, give us all a copy, and he would make the amendment here in fairness.

Mr. Givens:

All I want to do is amend that.

Mr. Stone:

It was not supposed to be included yet. You're just supposed to have your bill. You're making the amendment today.

Mr. Givens:

That's what I was trying to do but I was cut short.

Michelle Madoff:

We voted on the bill already.

The Chair:

Mr. Stone, he wants an amendment on a bill that's already passed. He had his opportunity and, unfortunately, he walked out of the room.

Mr. Givens:

The bills are still on the floor, they're still before us.

The Chair:

The bills are not before us. The bills have been passed, Mr. Givens.

Mr. Parliamentarian, I'll ask you one more time. Can we amend a bill that's already been passed?

Parliamentarian:

This bill has been passed. If Councilman Givens introduces an amendment for the next time, then the bill can --

Michelle Madoff:

Any bill can be amended.

Mr. Givens:

Mr. President, may I move to waive the rule so we don't get into parliamentary procedure on a very simple issue?

Mr. Flaherty seconded the motion.

Which motion prevailed.

The Chair:

Okay. Now the amendment, Mr. Givens.

Mr. Givens:

I amend Bill No. 2361, Section 745.01, the word "liquid" should be added to 745.01 "as a substance subject to licensing along with water, gas and steam".

Section 745.04 should be amended by adding the word "the license persons in charge of or operating. The aforesaid equipment must be located on the same premises where said equipment is located during such operations or control".

Number three, the last sentence of Section 745.06 should be deleted. We ask that the City continue to notify engineers when their licenses are about to expire so that forgetfulness does not produce an expired license. This was submitted on behalf of the International Union of Operating Engineers.

Michelle Madoff seconded the motion.

Mr. Robinson:

Discussion. Mr. President, I'd like to discuss why I think Mr. Givens' motion is out of order at this point. I think that if we're going to follow the rules that we have to follow them based on their intent. The intent of the rules are to give us an orderly process in which we can conduct our business. Mr. Givens, like every other member of this Council, had an opportunity to submit his amendment at the appropriate time.

Mr. Givens:

And I did.

Mr. Robinson:

Mr. Givens did give to each member of Council a copy of his amendment. Mr. Givens did read it to us last Wednesday as he did today. When it came time to discuss the bills in the appropriate Committee, Public Safety, Mr. Givens exercised his prerogative to be absent from the room, absent from the vote. He returned during a process in which the Chair was requesting bills from another Committee. Mr. Givens insisted on offering his amendment.

Mr. Givens:

Mr. Robinson, you insist on a lot of things in this Council, believe me.

Mr. Robinson:

I think that Mr. Givens is straining the procedures by requesting at this time to have us consider this amendment. If his amendment is worthy, then his amendment should be sent through the normal channels and the normal process. Mr. Givens went through a great deal of effort to encourage Mr. Woods and Mr. O'Malley and others to hold the bill a week or so ago so that he would have an appropriate opportunity to offer an amendment. They did that. I think he is straining the procedures of this Council to now request us to consider an amendment on a bill that has already been passed when the sponsor of that amendment left the Chambers, was not present during the voting, and did not request that the Chair hold the vote on that bill until he returned. Then he came back and inconveniences every member of this Council while we're trying to consider bills and Lands and Buildings.

I am opposed for that reason only. I think Mr. Givens should be requested and admonished by the Chair to follow the rules.

The Chair:

I think I made it rather clear, Mr. Robinson, that he had no right to leave the room instead of presenting his amendment and that the amendment was out of order in regard to the bill having already been passed. He asked for a waiver and apparently the Parliamentarian says if it was voted he could get it.

Mr. Givens:

We waived the rules, Mr. President.

The Chair:

We waived the rules. Alright. Now we're voting on the amendment.

Mr. O'Malley:

I'm looking at the amendment Mr. Givens put on that will amend Section 745.04 and I can't find this 745.04 in the bill.

I agree with Mr. Robinson. Mr. Givens should use the appropriate channels to amend the bill, he should introduce this amendment next Wednesday when we have the appropriate time to look over the amendments.

The Chair:

Roll call vote on the amendment.

Mr. Flaherty:

I am voting aye because the amendments are technical amendments requested by the International Stationary Engineers Union and I don't see what the big ruckus is all about.

The Chair:

I agree with you.

Michelle Madoff:

I vote aye for the content. However, I would like to see that the numbers are corrected. I think Mr. O'Malley points out that they are not the correct numbers on the bill. Is that correct? May I suggest that while we all are in support of the basic technical things that we correct the numbers? How do we vote on it if the numbers are incorrect?

Mr. Stone:

Jim, it's not the whole bill. The original bill is in the Code. He's adding an amendment to the Code.

The Chair:

I should vote nay to discourage this type of action in the future but I'll vote aye because I think, as Mr. Flaherty said, it's not that important.

The Chair:

Is there any discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
	(Pres't)

AYES 6

NOES 1

(MR. ROBINSON VOTING NO)

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Also,

Bill No. 2472

A Resolution entitled, "Resolution amending Resolution No. 1111, approved October 25, 1982, effective November 5, 1982, entitled, 'Resolution providing for an agreement or agreements with the

Boro of Mt. Oliver Ambulance Corporation for the provision by the Department of Emergency Medical Services of Paramedic Services, providing for the reimbursement to the City of the costs thereof, and authorizing the deposit of funds received into the "EMS Non-Resident Emergency Service Trust Fund", by deleting the words Ambulance Corporation and replacing the word Corporation with the word Boro."

Which was read.

Mr. Stone:

This may or may not be necessary but there's what I think is an abbreviation and it ought to be corrected. They use the spelling of Boro for Borough of Mt. Oliver. I'm not so sure that's the way they identify it or not. I'll make the motion which is that if it turns out that they need the full spelling, Borough, that we approve that.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

Bill No. 2473

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Salvation Army for professional services in connection with The Public Inebriate Program; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2566

Report of the Committee on Lands and Buildings for February 16, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2420

A Resolution entitled, "Resolution providing for a contracts or contracts or the use of existing contracts in connection with Renovations of Various Public Buildings and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

Mr. President, may I ask the Clerk something? After the last meeting on

Wednesday, you were to meet with Mr. Daryl Smith directly after the meeting. He said he didn't know what you wanted to do about office space for staff. On Bill 2420, that would address the issue. Did you meet with him? He said he would meet with you right after the meeting.

Mr. Perry:

No, I didn't meet with him. I sent him a letter about putting a partition in that one room.

Michelle Madoff:

And he now knows where the partitions are to go? Has he agreed to do it?

Mr. Perry:

Yes. He said he'll do it.

Michelle Madoff:

He said he would do it. Would you give me a letter to that effect today? I may not be here in the coming years but I don't think any member can serve their constituency working the way we do, holed up. And I think it is important that we have space that we can function.

Mr. Flaherty:

Mr. President, in regard to 2420, the share of the appropriation is for improvements for the public's accommodations, not for office space for Councilmembers.

Michelle Madoff:

Well, I asked the time and he said that he would meet with Mr. Perry and I think that's been an ongoing issue. If anybody ought to complain it's you. Your office has six people in it and you can

barely turn around sometimes.

Mr. Flaherty:

Yes, but the public should take priority over our own offices.

The Chair:

I agree with Mr. Flaherty.

Michelle Madoff:

I agree with Mr. Flaherty, the public should take priority and you cannot service your constituency with six people in a room.

Mr. Flaherty:

I'm the one who's doing it, not you.

Michelle Madoff:

I can't serve my constituency with the situation that I have.

Also,

Bill No. 2449

Resolution repealing Item H of Resolution No. 701, approved July 29, 1980 for the sale of a lot 7600 Mulford Street (13th Ward) Block and Lot 175-B-12 to Charles and Elsa Harris (wife) for the sum of \$250.00. Resolution is to repeal sale.

Which was read.

Also,

Bill No. 2450

Resolution repealing Resolution No. 1215, approved October 18, 1978 for the sale of a 2 story brick house - 7412-14 Tioga Street (13th Ward) Block and Lot

175-B-107 to Paul K. and Ernestine W. Taylor (wife) for the sum of \$1,500.00. Resolution is to repeal sale.

Which was read.

Also,

Bill No. 2451

Resolution amending Item I of Resolution No. 1172, approved November 24, 1982 for the sale of vacant land, 31st Ward, Armorrhill and Mestaland Avenues, designated as Block and Lot 90-R-120-1-2-3-5-6-7; 166-7-8 and 9, to Kathryn Sullivan and Kathleen Terbosic for the sum of \$4,000.00. Amendment is to delete one parcel and add another.

Which was read.

Also,

Bill No. 2452

Resolution amending Item E of Resolution No. 703, approved July 19, 1982 for the sale of a 2 story frame house and 2 lots in the 20th Ward on Junius Street, Block and Lot 18-C-100-107 and 109, to Al D'Angelo for the sum of \$7,000.00. Amendment is to delete one lot and reduce price of sale to \$6,750.00.

Which was read.

Also,

Bill No. 2453

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 2570 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the appointment of Peter Mulloney of 213 Grandview Avenue to the Board of the Stadium Authority for a term to expire January 1, 1988.

Which was read, received and filed.

Also,

No. 2571 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the appointment of Wallace Merrell, 511 Clemeshaw Avenue; Pittsburgh, Pennsylvania, 15226, to the Board of Code Review for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2572 Resolution appointing Wallace Merrell of 511 Clemeshaw Avenue to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Mr. Stone:

Mr. President, on the new appointees, I request that they be held and that they have the opportunity to come before Council.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2573 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Maxwell Mayo, 586 Moorehead Place, Pittsburgh, Pennsylvania, 15232, to the Board of Code Review, for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2574 Resolution reappointing Maxwell Mayo of 586 Moorehead Place to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Also,

No. 2574-A Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Bernard Liff, 317 S.

Dallas Avenue, Pittsburgh, Pennsylvania, 15208, to the Board of Code Review, for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2575 Resolution reappointing Bernard Liff of 317 S. Dallas Avenue, Pittsburgh, Pennsylvania to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Also,

No. 2576 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Edward Claitman, 1345 Towerlawn Drive, Monroeville, Pennsylvania, 15146, to the Board of Code Review, for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2577 Resolution reappointing Edward Claitman of 1345 Towerlawn Drive, Monroeville, PA 15146, to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Also,

No. 2578 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Audrey Caplan, 5401 Hobart Street, Pittsburgh, Pennsylvania, 15217, to the Board of Code Review, for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2579 Resolution reappointing Audrey Caplan, 5401 Hobart Street, to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Also,

No. 2580 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Matthew Begis, 129 South 16th Street, Pittsburgh, Pennsylvania, 15222, to the Board of Code Review, for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2581 Resolution reappointing Matthew Begis of 129 South 16th Street to the Board of Code Review for a term to expire December 31, 1985.

Which was read.

Also,

No. 2582 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of David Miller, 515 Grandview Avenue, Pittsburgh, Pennsylvania, 15211, to the Historic Review Commission for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2583 Resolution reappointing David Miller of 515 Grandview Avenue to the Historic Review Commission for a term to expire December 31, 1985.

Which was read.

Also,

No. 2584 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Ralph Alster, 4716 Ellsworth Avenue, Pittsburgh, Pennsylvania, 15213, to the Historic Review Commission for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2585 Resolution reappointing Ralph Alster of 4716 Ellsworth Avenue to the Historic Review Commission for a term to expire December 31, 1985.

Which was read.

Also,

No. 2586 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh informing Council of the reappointment of Joan Davis Ivey, 1368 North Sheridan Avenue, Pittsburgh, Pennsylvania, 15206, to the Historic Review Commission for a term to expire December 31, 1985.

Which was read, received and filed.

Also,

No. 2587 Resolution reappointing Joan Davis Ivey of 1368 North Sheridan Avenue to the Historic Review Commission for a term to expire December 31, 1985.

Which was read.

Also,

No. 2588 Communication from

Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Bernard Liff, 317 S. Dallas Avenue, Pittsburgh, Pennsylvania, 15208, to the Board of Standards and Appeals for a term to expire January, 1986.

Which was read, received and filed.

Also,

No. 2589 Resolution reappointing Bernard Liff of 317 S. Dallas Avenue to the Board of Standards and Appeals for a term to expire January, 1986.

Which was read.

Also,

No. 2590 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Robert Zern, 10 Allegheny Center, Pittsburgh, Pennsylvania, 15212, to the Board of Standards and Appeals, for a term to expire January, 1987.

Which was read, received and filed.

Also,

No. 2591 Resolution reappointing Robert Zern of 10 Allegheny Center to the Board of Standards and Appeals for a term to expire January, 1987.

Which was read.

Also,

No. 2592 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of John Mullen, 363 S. Highland Avenue, Pittsburgh, Pennsylvania, 15206, to the Board of Standards and Appeals, for a term to

expire January, 1984.

Which was read, received and filed.

Also,

No. 2593 Resolution reappointing John Mullen of 363 S. Highland Avenue to the Board of Standards and Appeals for a term to expire January, 1984.

Which was read.

Also,

No. 2594 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, informing Council of the reappointment of Marilyn Meade, 1411 Grandview Avenue, Pittsburgh, Pennsylvania, 15211, to the Sinking Fund Commission, for a term to expire December 31, 1987.

Which was read, received and filed.

Also,

No. 2595 Resolution reappointing Marilyn Mead of 1411 Grandview Avenue to the Sinking Fund Commission for a term to expire December 31, 1987.

Which was read.

Mr. Stone moved to approve the reappointments.

Mr. Woods seconded the motion.

Michelle Madoff:

Discussion. Mr. Perry, do you have an updated list of all the boards and commissions and who serves on them? I'd like to know what percentage are women, what percentage are minority, and what percentage are handicapped, because the last time these names were introduced I picketed the Mayor's Office

saying, "Women have brains, too". I would like to know how many are women on these commissions and boards and until I have that I would not vote on them.

Mr. Stone:

Call the question.

Mr. Flaherty:

I abstain on all of them because the majority of the individuals I am not aware of their expertise or anything in regard to their pending appointment and also I agree —

Mr. Stone:

Wait, Tom. These are reappointments. It's not on all of them. Just the reappointees. The ones who have been serving.

Mr. Flaherty:

Well, I have not had adequate time to digest the information on the reappointments and I concur wholeheartedly with Councilwoman Michelle Madoff, I think it's about time we start to have an equitable proportion of blacks and females on all boards and commission.

Mr. Givens:

I had an opportunity on the ones that are going to be rescheduled that they have been before this Council when I was here, maybe Tom has not had this opportunity. I've had these records on my desk for over a week and I have again reviewed them and I agree to their renomination at this time.

Mr. O'Malley:

Since these are Mayor Caliguiri's

appointments, there's no doubt in my mind that Mayor Caliguiri is going to ask the most qualified people to serve. I vote aye.

Mr. Robinson:

Mr. President, Council will be aware that some time ago I requested that the City Clerk contact the Mayor's Office to determine the vacancies on the boards and commissions and ask the Mayor to please fill them with all haste. The Mayor has not done that. There's still a number of boards and commissions where there are vacancies.

Council will be aware that I introduced a resolution today pursuant to the Home Rule Charter so that Council can fill all of those vacancies on those boards and commissions and I will be submitting some information to the President of Council Wednesday indicating that Mrs. Madoff should be appointed to a board or commission.

So, I'm going to have to, with a great deal of regret, abstain because I think the issue is beyond whether minorities and women are on this board, it's beyond whether or not the people are qualified. I think it's a real serious question about the process that's being utilized to put people on these boards and commissions. And if we're going to fill those vacancies, let's fill them. And I think if we do fill all of them, Mr. Flaherty's concerns will be addressed, Mrs. Madoff's concerns will be addressed, and Mr. O'Malley's concerns will be addressed also, because I'm sure the Mayor is not going to take anyone who is not qualified to serve. So, I'll have to abstain.

The Chair:

Is there any discussion on the reappointments?

And on the question, "Shall the reappointments pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Stone	(Pres't)

AYES 5 NOES none

(MR. FLAHERTY, MICHELLE MADOFF
AND MR. ROBINSON ABSTAINING)

And a majority of the votes of Council being in the affirmative, the reappointments were approved.

Michelle Madoff:

Mr. President, in response to my colleague, Mr. O'Malley, who introduced a bill and he's saying that he was the one who brought to the Mayor's attention the idea of having a women's commission, which the Mayor has established, I would like to ask my colleagues whether they don't feel that there are a number of qualified women in the City who are just as qualified as the people who are being appointed that are men who are being reappointed. I'm sure there are a lot of minorities, women, and handicapped people who are every bit as qualified, if we wanted to find them.

Mr. Flaherty:

Mr. President, I have a request for Council as a whole and I would ask the City Clerk if he would address a letter to Warner Cable. I have received some criticisms and I believe, first of all, I would need some clarification and I would hope that it would be the concern of the entire Council. One of the primary reasons I feel that Council as a

whole awarded the able contract to Warner was their promise to provide a meaningful, equitable participation for minority stockholders. I'm sure as we all recall, they earmarked twenty percent of their stock for minority interest which would be relegated to seventeen minority organizations. We are now entering the third year of the Warner Cable Contract. It is my understanding that there has not been hardly any impact whatsoever or any accrument to those seventeen organizations.

It is simply a request that Warner would voluntarily submit to Council what is happening in regard to those twenty percent of minority stockholders.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, February 28, 1983

No. 9

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, February 28, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

Thank you, Mr. President, for interrupting the meeting. We had a time frame problem, and I wonder if Mary

Hall will join me. I'm going to do something that's long overdue. As you know, a number of months ago my office decided that we would honor women by having a Woman of the Month Award, City of Pittsburgh women. The Women's Political Caucus would like to do a county-wide, and a state-wide, and a national-wide. They felt the idea was superb, and they're going to do it on a much wider scale. I talked to the Mayor, and the Mayor has arranged to have duplicates of all the resolutions mounted in a prominent place in the lobby of the City-County Building so that not only will the people who received the awards be honored but other people will know that they've been honored as they walk by.

Today, we are going to honor a very special lady posthumously, Bosanka Evosevic. Her mother wanted to be here, wants the award, the resolution and will put it in her restaurant, but she felt emotionally she just couldn't handle the trauma; and in her place Mary Hall — has graciously and Mary Hall, as you know, is with the Mayor's Task Force on Women in Renaissance II, is an old friend of mine, a staunch supporter of women, I think knew Bosanka. She will see that Bosanka's mother receives the award, and I will read it, and then I would like to know whether Mr. Stone would grace us with some comments and whether the President would make some comments. May I read the award.

Michelle Madoff presents

Bill No. 2634 WHEREAS, the role

of women needs to be expanded in society; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Bosanka Evosevic was the first Pittsburgher to serve in the Peace Corps, hosted the television program "Faith in Today's World," was a retired Vice-Principal of South High School on the South Side and co-owner with her mother of Sarah's Restaurant on Tenth Street; and

WHEREAS, Ms. Evosevic was a former member of the Human Relations Commission, the South Side Community Council, the Pittsburgh History and Landmarks Foundation, the City's Bicentennial Commission; and

WHEREAS, Ms. Evosevic was a member of the National Organization for Women and one of the first members of NOW in Pittsburgh, was active in women's studies at the University of Pittsburgh, Duquesne University, and Community College of Allegheny County; and

WHEREAS, Ms. Evosevic was listed in Who's Who in American Colleges, was a semi-finalist in the Vogue Prix de Paris, a White House Fellows semi-finalist in 1965, a Fulbright grantee in 1961, and winner of a Carnegie Fellowship in 1968, was named one of the Outstanding Young Women in America in 1969, and was awarded the Wilson College Centennial Citation and the Pittsburgh Hand in Hand Award in the 1970's.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the Council of the City of Pittsburgh hereby posthumously

recognize her as "Woman of the Month" because of her dedicated service to the citizens of Pittsburgh.

Michelle Madoff moved to adopt the Resolution.

Mr. Stone seconded the motion.
Which motion prevailed.

Mary Hall:

On behalf the Mayor's Task Force on Women in Renaissance II and on behalf of Bosanka's family, I'm very honored today to receive this award in her behalf. As you remember, on October 20th when we established the Mayor's Task Force on Renaissance II, we dedicated that event to Bosanka's memory. The Post Gazette article noting her passing at that time described her most appropriately as a renaissance woman who combined academics with a vibrant interest in public affairs and equal rights, and we at the task force will be guided by her memory and by her inspiration, and I want to commend Councilwoman Madoff and this Council for instituting this award. Thank you very much.

Michelle Madoff:

Mr. President, will you say something?

The Chair:

If I may, the Evosevic family was very close to me. I knew Sarah and Bertha from the time she was a little girl and a little lady, and I might say that I consider her and thought that she was one of the most brilliant women in the City of Pittsburgh, if not the entire United States of America. Tragically, Bosanka became very ill, I believe, about ten or nine years ago, and she never quite got over it, and eventually it

caused her death. Pittsburgh is certainly going to miss Bosanka, and all of those fighting for women's rights are going to miss her, because she was in the forefront many, many years ago and did a terrific job. I might add that her mother and I, I guess we've been close friends for 25 years, a finer woman never lived, and she's taken the death of Bosanka rather, rather hard, and that's the reason she couldn't be here today. She's a wonderful woman. You're all familiar with her restaurant on the South Side. She's just a nice person.

Mr. Stone:

Mr. President, if I may, I've had the distinct honor to have been born and raised with Bosanka Evosevic. Bosanka and her mother and family have all been members of the Holy Trinity Serbian Orthodox Church of Pittsburgh, and I think that in mentioning this award relative to Bosanka, it would be an understatement to say that she was involved. She was involved in perhaps anything and everything in which the needs of people were concerned. She was active in the South Side in our South Side Community Council; she was active in the South Side relative to our South Side Chamber of Commerce; she was active in the South Side in anything that concerned the South Side. She made an effort, as some of you may recall, to run for City Council the City of Pittsburgh. That was because of her burning desire in hopes that she might be able to do even more for the people of the City of Pittsburgh. This is the second award she has received posthumously, and I believe that the reason for that is not that anyone did not believe that she was deserving of an award, but rather because of her vitality and her efforts perhaps everyone thought she would never pass; but as fate would have it, she did pass, but at this time we are remembering her for all of the efforts

that she has given. She has been throughout her life a pathfinder. She has been everywhere, as her record might indicate, to Africa, Europe and as well all over the United States of America and Canada. It is for me an honor that we are honoring her at this time, first as a citizen of the City of Pittsburgh, and as a dedicated member of the Holy Trinity Church where she served and served well. It is indeed a proud factor that one of our members has received this award and I join in it.

The Chair:

I'd like to thank Michelle and all the other members of Council for taking part in this action, and certainly Mary Hall. Thank you, Mary.

Mr. Flaherty presented

No. 2596 Resolution providing for the issuance of a warrant in favor of Knickerbocker Russell in the amount of \$1,620.00; Universal Oil in the amount of \$5,388.00; Monarch Oil in the amount of \$2,256.76 and Weber Welding Supply Co. in the amount of \$1,348.22, totalling in the aggregate \$10,612.98 for rental of heaters and purchase of propane and kerosene used in connection with providing heat at City garage; chargeable to and payable from Code Account 1362-1 Utilities, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 2597 Resolution providing for Real Estate Appraisers in connection with the purchase or sale of real property by the City for the calendar year services for 1983 at a cost not to exceed \$6,500.00 payable from Code

Account 1361, Misc. Services, Dept. of Lands and Buildings.

Also,

No. 2598 Resolution repealing Item C of Res. 565, appr. 6-25-80, for the sale of a lot and a 2-1/2 Sty. Frhse. at 4540 Gladstone St., 15th Ward, Block and Lot 55-P-271-273, to Bradley R. Lanese, for the sum of \$750.00. Resolution is to repeal the sale and return the purchaser's hand money.

Also,

No. 2599 Resolution repealing Res. No. 673, appr. 7/25/80 for the sale of a vacant lot on Carver Street, 12th Ward, Block and Lot 125-B-164, to Clarence Underwood for the sum of \$550.00. Resolution is to repeal original Resolution as a new sale has been initiated.

Also,

No. 2600 Resolution repealing Resolutions approved on various dates for sales in various Wards in accordance with Act No. 514. Sales are to be repealed and hand money forfeited in all of the sales as the purchasers have failed to comply with the Agreement of sale.

Also,

No. 2601 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2602 Resolution providing for the issuance of a warrant in favor of Conn Construction Company, in the amount of \$17,974.31 in payment for Extra Work furnished for the benefit of the City in connection with the Wood Street Bridge Rehabilitation; and providing for the payment thereof. Funds are available in Code Account PW 80-52, 4-01-05-0400-80, Wood Street Over Parkway. Prior approval by Council Bill No. 2457, dated February 16, 1983.

Also,

No. 2603 Resolution providing for the issuance of a warrant in favor of Domenic Parente Contractors, Inc. in the amount of \$1,702.43 in payment for Extra Work furnished for the benefit of the City in connection with the Concrete Junperwalk Construction on Whitworth Street from Southern Avenue to Boggs Avenue; and providing for the payment thereof. Funds are available in Code Account PW 81-34, 4-01-30-0958-81, Step Reconstruction. Prior approval by Council Bill No. 2459, dated February 16, 1983.

Also,

No. 2604 Resolution providing for the issuance of a warrant in favor of Montour Contracting Company, in the amount of \$3,711.50 in payment for Extra Work furnished for the benefit of the City in connection with the McCrory Way Parking Lot Construction - Also Irwin Street; and providing for the payment thereof. Funds are available in the North Side Urban Development Action Grant, 4-15-03-1810-79-181-79-15. Prior approval by Council Bill No. 2458, dated February 16, 1983.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2605 Resolution providing for an Agreement or Agreements with D'Appolonia Consulting Engineers for Engineering Services in connection with the Route 51 Rockfall; and providing for the payment of the cost \$25,000.00. Funds are available in Code Account PW 83-26, 4-01-35-0003-83, Geo-Technical Engineering Contracts.

Also,

No. 2606 Resolution further amending Res. No. 201, approved 2/26/81, eff. 3/6/81, as amended, entitled: "Authorizing the City Treasurer, on behalf of the City of Pgh. to accept funds from the Port Authority of Allegheny County, the URA, and the Pennsylvania Dept. of Transportation, for Consulting Services in conjunction with the Transportation Coordination for the Central Business District; providing for the creation of a Trust Fund for receipt and payment of the respective shares; and providing for an Agreement or Agreements with the above mentioned parties in connection with the Transportation Coordination of the Central Business District," by increasing the total allocation by \$15,000.00.

Also,

No. 2607 Resolution further amending Res. No. 1445, appr. 12/29/81, eff. 1/1/82, as amended, entitled: "Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program," by redefining the funding sources.

Also,

No. 2608 Resolution amending Res. No. 1385, appr. Dec. 27, 1982, eff.

Jan. 1, 1983, entitled: "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by redefining the funding sources.

Also,

No. 2609 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Mosites Construction Company for Extra Work in connection with the Rehabilitation of the Larimer Avenue Bridge over Washington Boulevard, at a cost not to exceed \$113,772.00, payable from Code Account PW 83-18, Misc. Repairs to Streets and Structures.

Also,

No. 2610 Communication from James N. Walker, Director, Dept. of Environmental Services, requesting permission for Phyllis Gibson to attend the Philadelphia Community Outreach Program Workshop in Philadelphia, PA on March 21-25, 1983, at a cost not to exceed \$800.00, payable from Rodent Control Program Trust Fund, Dept. of Environmental Services.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2611 An Ordinance supplementing the Pittsburgh Code, Title Six-Conduct, Article I - regulated Rights & Actions by adding a new chapter 617, USE OF MECHANICAL OR ELECTRONIC DEVICES BY SCHOOL CHILDREN DURING SCHOOL HOURS.

Which was read and referred to the

Committee on Public Safety.

Also,

No. 2612 Resolution providing for the issuance of a warrant in favor of Pena-Plas Co., 3917 N. Neville Street, Pgh. PA 15215 in the amount of \$1,416.87, for Plumbing Material, chargeable to and payable from Code Account No. 1714, Materials required for piping to remove residue from Treatment Plant Clarifier. Prior approval by Council Bill No. 2339 (1983).

Also,

No. 2613 Resolution providing for the issuance of a warrant in favor of Heath Consultants Inc., Rt 51, R.D. #4, Belle Vernon, PA 15012, in the amount of \$345.00 for repair of Two Magnetic Gate & Curb Box Locaters, chargeable to and payable from Code Account No. 1705, Repairs. Prior approval by Council Bill No. 2425 (1983).

Which were read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 2614 Resolution authorizing the issuance of a warrant in favor of Thomas DiDiano Construction Company in the amount of \$6,715.00 in payment for work performed at Paulson Avenue Swimming Pool, chargeable to and payable from Project Code 4-10-05-1320-75-31-75-10, 75CDPR, Swimming Pools in the Dept. of Parks and Recreation. Prior approval by Council Bill No. 821, dated May 12, 1982.

Also,

No. 2615 Resolution authorizing the issuance of a warrant in favor of W.G. Tomko and Son, Inc. in the amount

of \$1,766.71 in payment for work performed at Northgate Park Pool and Bathhouse, furnished for the benefit of the city without previous authority of law, chargeable to and payable from Project Code 4-10-05-1329-80 (PR 80-05) in the Dept. of Parks and Recreation. Prior approval by Council Bill No. 1493, dated September 16, 1982.

Which were read and referred to the Committee on Finance.

Also,

No. 2616 Resolution providing for a contract or contracts or the use of existing contracts for lighting installation or replacement at various park facilities including Ream Gym and Granville Basketball Court at a cost not to exceed \$50,000.00, chargeable to and payable from 4-10-05-1480-83 (PR83-20) Lighting, New or Replacement Fixtures, Dept. of Parks and Recreation.

Also,

No. 2617 Resolution amending Res. No. 826, eff. August 20, 1982, entitled, "Providing for an Agreement or Agreements or the use of existing Agreements for professional services in connection with the programming for the development of the new Pittsburgh Zoo; by increasing the amount provided from \$12,000.00 to \$18,000.00, chargeable to and payable the Pittsburgh Zoo Membership Trust Fund, PZMTF, in the Dept. of Parks and Recreation.

Also,

No. 2618 Resolution providing for a license Agreement with Duquesne Light Co. to install, use, operate, maintain, repair, renew and finally remove poles, cross arms, guys, and appurtenances in connection with the electrical service to the Ormsby

Recreation Center.

Also,

No. 2619 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for herself, Carl A. Mancuso, Craig Merritt, Jennie Miller and Alexis Merritt to attend the 36th Annual Conference of the Pa. Recreation and Park Society, Inc., in Hershey, PA, on March 20-23, 1983, at a cost not to exceed \$1,300.00, payable from Code Account 1838, Misc. Services, Bureau of Recreational Activities, Dept. of Parks and Recreation. Also requesting permission for the use of a City vehicle for transportation.

Which were severally read and referred to the Committee on Parks and Recreation.

Also,

No. 2620 Resolution providing for the letting of a contract or for the use of existing contracts for the furnishing and delivery of approximately one (1) Brush Chipper for the Dept. of Parks and Recreation, at a cost not to exceed \$12,000.00, chargeable to and payable from Code Account No. 1808, Equipment, Dept. of Parks and Recreation.

Which was read and referred to the Committee on Supplies.

Mr. Robinson presented

No. 2621 Resolution requesting the President of Council to enforce Article 3, Section 307 (Committees) of the Home Rule Charter, City of Pittsburgh by assigning a minimum of three Members to each Committee.

Also,

No. 2622 Resolution amending Section 11 of Res. No. 1420, as previously amended by Res. Nos. 559 and 835 of 1981, and by Res. Nos. 417 and 830 of 1982 entitled, "Providing for the filing of an application by the City with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1981 CDBG Program". To decrease line item PW 81-35 "McKinley Park Steps" from \$140,000.00 to \$112,944.79; and further to decrease line item PW 81-25 "Lower North Side Traffic Plan Implementation from \$200,000.00 to \$154,051.19; and further to increase overall grant amount from \$24,925,351.91 to \$25,121,582.46 (+\$196,230.55 returned from Dept. of Housing & Urban Redevelopment to city); and further to add a new line item PW 81-12 "Warrington Avenue".

Which were read and referred to the Committee on Finance.

Also,

No. 2623 Resolution establishing a Cable Communications Training and Internship Program for the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 2624 An Ordinance amending the Pgh. Code, Title Nine, Zoning District Maps No'd. 7 & 12 by changing from "R4" Multiple-Family Residence, "C4" Commercial, "M3" Light Industrial Districts to "S" Special, "R3" Multiple-Family Residence, "A1" Commercial-Residential Associated, "M2" Limited Industrial & "M3" Light Industrial Districts certain property located in the South Side Community in the general

vicinity of Carson Street, extending from S. Fourth Street to S. Twenty-Seventy Street, 16th & 17th Wards.

Also,

No. 2625 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11 by changing from "R4" Residential, "C3" Commercial and "M2" Industrial Districts to "S" Special, "R2" Residential and "M2" Industrial Districts certain property located along HERRON AVENUE corridor between BIGELOW BOULEVARD and BEDFORD AVENUE in the Upper Hill, 5th Ward.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2626 Communication from John Gabriel, Director, Commission on Human Relations, requesting permission for Connie Wellons and LaVerne Burden to attend the annual EEOC-706 conference in Atlanta, GA on March 16-18, 1983, at a cost not to exceed \$1,250.00, payable from the EOCC Trust Fund.

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Robinson presented

Bill No. 2627 SUBPOENA issued for and directed to Reverend James Simms, Assistant Executive Secretary to the Mayor, City of Pittsburgh - 5th Floor City County Building, 414 Grant Street, Room 513.

You are hereby directed, by the

Council of the City of Pittsburgh, to appear before Council on March 7, 1983 at two o'clock p.m.

You are directed to bring with you the following documents:

1. Minority Business Development Plans, Program and Procedures for and in relation to the sale/transfer of Parcel A, City of Pittsburgh

2. All documents pertaining to the transfer of Parcel A, City of Pittsburgh, to Five Hundred Grant Street Associates (500 Grant Street Associates)

3. All documents pertaining to the Minority Business Development Proposals and Programs of Five Hundred Grant Street Associates (500 Grant Street Associates)

Which was read.

Also,

Bill No. 2628 SUBPOENA issued for and directed to Louise Brown, Director of the Department of Parks and Recreation and Chairperson, Zoological Park Commission - 4th Floor, City-County Building, 414 Grant Street.

You are hereby directed, by the Council of the City of Pittsburgh, to appear before Council on March 9, 1983 at ten o'clock, a.m.

You are directed to bring with you the following documents:

1. The Minority Business Development Plan for the Zoological Park Commission

2. Reports pursuant to the plan identified in Item 1

3. All documents relative to minority purchasing and/or professional service

contracts awarded to females and/or minorities

4. The names, job descriptions and reports of persons within/or serving on the Commission who have direct or indirect responsibility for minority business development, pursuant to Ordinance No. 28 of 1978 of the Mayor's Executive Order Number 1

Which was read.

The Chair:

Mr. Clerk, do we need a majority vote in Council to issue a subpoena?

Mr. Perry:

Yes, sir.

The Chair:

Then I'd like to ask a question. Mr. Robinson, are you saying that these people refuse to give this information?

Mr. Robinson:

Mr. President, I think the record will reflect both Mrs. Brown and Reverend Simms have been asked on several occasions to produce documents for this Council. I should indicate that these are public documents that should be available under the Freedom of Information Act. These are documents that are available to everyone in the City of Pittsburgh. It seems to me that when Council makes a reasonable request of a department head, that that information should be forthcoming. I reluctantly have prepared these subpoenas, because it appears that there is not going to be any kind of voluntary attempt to supply Council with this information, nor have I heard from our City Solicitor that he is going to assist us in getting us this information. It seems

to me that this is the appropriate procedure to follow.

The Chair:

I don't quite follow you. You are saying that this is public information, yet at the same time they refuse to give us this information? Now we have access to it without them?

Mr. Robinson:

Not to my knowledge.

Mr. Stone:

Mr. President, if I may, I'd like to be a little cautious on the use of subpoena power. By the way, I don't know that he's asking — he's requesting a subpoena, but he doesn't issue it; the Council issues a subpoena, but aside from that, the request for information, I don't fault that. I don't know that we have from the record that anyone's refusing to give it so much as I think there's been a lot of confusion and we ought to get it. I would question the need of a subpoena, however. I don't know, if they don't have it when they're here, that the subpoena is going to produce anything more than they have unless we have some evidence that there is some willful or malicious desire not to produce the information. I just think that the subpoena thing might just be a little strong at this point. I'm not thwarting or not attempting to thwart the attempt to get information now.

Michelle Madoff:

Mr. President, we are not going to know if it's malicious, intentional or not until a subpoena is issued. It is unfortunate that many members of this Council have asked for information. We all know this is a strong Mayor system and a weak Council, but it takes five

votes of this Council to show that we really are a body. We get blamed for everything in the paper, no matter whether the Mayor fills jobs for police; and we vote for the appropriations, the jobs aren't filled, we're the ones that are blamed when we go out in the circuit. You know that, Mr. President, and if we're going to take the responsibility, if our heads are to be on the guillotine, then we have the responsibility to get that information and to support a colleague when that colleague cannot get information repeatedly. There is no reason why we cannot support a subpoena and for once and for all, as Councilman Flaherty would say, play hard-ball and say we really mean it; we're not just going to be puppets and window dressing.

Mr. Flaherty:

Mr. President, I wholeheartedly support Councilman Robinson's resolution. In my mind, it has gone on entirely too long that certain members of Council have posed questions to Reverend Simms, to other members of the Administration regarding pertinent information on minority hiring. As far as I am concerned, we have received a run-around for the past years. I have very strong suspicions as to if the records or the documents actually are being kept, and I think this is another classic example as to if this Council is going to ask as members of the legislative body or are they going to act as a rubber stamp for the Mayor. It's an extremely crucial issue, perhaps one of the most pressing social issues in this City, and I think this Council should have the backbone and support Councilman Robinson.

The Chair:

Bill, I have a question to ask. Do we have reason to question that the Administration is not carrying out the minority program in the City of

Pittsburgh?

Mr. Robinson:

Yes.

The Chair:

Do we have proof of that?

Mr. Robinson:

Yes. Yes. These subpoenas, I think, will show us what documentation the Administration does or does not have. If Council will remember, Reverend Simms was before us about three weeks ago, and he indicated that he would return with information specifically relative to 500 Grant Street Associates. Reverend Simms did not return, and he did not provide this Council with that information. Mrs. Brown has been repeatedly requested to forward information to this Council relative to the Zoological Parks Commission's Minority Business Enterprise Program, and I think it's fair to assume if a department head does not comply with your wish, that either the information is not there, or they have some good reason not to comply. The subpoena is an appropriate tool to gather information. It's an appropriate tool to use when all other reasonable means have been exhausted, and I think all other reasonable means have been exhausted with these two particular individuals to get information from them that I've indicated to you was public information. Now, I would suspect that if, as a member of this Council, a member of this legislative body, I cannot get this information from them, I would be no more successful as a private citizen requesting that information from them; because certainly as a member of Council, I would daresay there's some official capacity in which I am operating, and if they refuse to respond to this

Council, then I think there are other steps to take. I would hope that the volunteer efforts that all this Council has talked about in terms of getting information on minority business development would prevail upon Reverend Simms and Mrs. Brown. Evidently, to-date, those attempts have failed. I would hope that the attempts that our Solicitor, Mr. Pellegrini, said he would initiate would prevail upon Mrs. Brown and Reverend Simms. To-date they have not, so a subpoena is an appropriate tool at this point, unless there's someone on this Council or someone in the Administration that has the information that this Council and myself have been requesting for a long period of time.

The Chair:

Mr. O'Malley.

Mr. O'Malley:

I'd just like to support my colleague, Mr. Robinson. I think the use of a subpoena in this Council is long overdue, and I certainly think that we, as elected officials and a counter-balance to the Administration, certainly have the right to any and all information concerning City government. A lot of times when we request information, that information has not been forthcoming, and I think that it's time that this Council exert some of our authority in requesting information, because a lot of times, we are the court of last result. I certainly support Councilman Robinson's efforts in his behalf.

The Chair:

Mr. Givens.

Mr. Givens:

Yes, Mr. President. Early on in my

career as a Councilman, as a young Councilperson and my first year here, I had very strong and the same type of problems apparently that Mr. Robinson is having right now where then I threatened the Superintendent Coll and the Police Department for certain records. The threat of using subpoena, it's according to our Home Rule Charter that this Council can subpoena anybody into this Council, and I would go along with Councilman Robinson. I just would ask for one appeal before any of us use any right to subpoena. Someone mentioned that we do have a strong Mayor form of government within this City which is well recognized. Has an appeal, Bill, been made to the Mayor in this regard when a department head refuses, because in my particular case, I went to the Mayor on the day that I was going to do it and asked him if he did not provide these records that I was going to ask, then, the Council to subpoena these records. I just appeal to Councilman Robinson if he has not made a direct appeal to the Mayor of the City of Pittsburgh and I'll ask him to forestall this until he would, at least, do that and even keep this meeting open, Mr. President, not terminate this meeting at the end of the day, giving the Mayor time to respond. I would like to hear from Bill if he has so done this.

Mr. Robinson:

Mr. Givens, I think that the record would reflect that Councilman Robinson has attempted to follow all the procedures to respect every elected official in the City and to only solicit that information which is rightfully due to me as a Councilman. I say that in answer to your question, because I certainly have made several attempts to let the Mayor know what my personal concerns were relative to minority business development and also what my concerns were as a member of this

Council. I don't think anyone should believe that I have not attempted to communicate with the top Administrator of the City relative to information I need. In fact, at last Monday's meeting with the Mayor that we have every Monday, the Mayor was not present, but his assistant, Mr. Talarico, was present; and the Administration is presenting two bills relative to the North Shore Project. I requested that those bills not be introduced into my Committee, Planning, Housing and Development, until the Urban Redevelopment Authority addresses the issue of minority business participation and forward to this Council the necessary documents to show us that they have a program that is operating. I did not introduce those bills, I did not entertain them. Those bills were introduced into this Council by a member of Council. Now I don't know why that member of Council introduced them, perhaps out of courtesy to the Administration, perhaps they believed in those bills, but I refused to introduce them because I didn't feel that as Chairman of Planning, Housing and Development I was able to get the appropriate information from our Urban Redevelopment Authority about our Minority Business Enterprise Program; and when those bills come into committee, I'm going to raise the same concerns, because I'm not going to vote for them until that information comes to this Council, and I'm not going to entertain any additional bills for the Urban Redevelopment Authority until they file with this Council their Minority Business Enterprise plan and they file with us some progress reports. So, yes, Mr. Givens, the Mayor is fully aware of my concern and this Council's concern about minority business development, and I would not have asked to have these subpoenas issued if there was another way to get that information.

The Chair:

In that respect, we'll get to you in a second, Mr. Flaherty. I was just wondering, I don't care that much for a subpoena action myself, as Mr. Stone stated. I was just wondering, Bill, if we couldn't ask these people to come in one more time--

Michelle Madoff:

No, no.

The Chair:

--and if they absolutely refuse-- Look, I'm asking Mr. Robinson--then I would also go along with a subpoena, but at the present time I can't and I just think we ought to give them one more chance.

Mr. Robinson:

Mr. President, I think everyone on this Council knows I'm fair and honest and certainly reasonable. I have to decline your offer. I think it's time for us to take some positive action. I think both the people in question have had more than enough opportunity to voluntarily cooperate, and I think it would be an insult to this Council at this point to ask them to come before us once more.

The Chair:

Mr. Robinson, in all fairness, I've talked to both parties, and they seem to think that they want to give you the answers but you don't want to accept the answers. I'm only saying what they're imparting to me.

Mr. Robinson:

Mr. President, without disrespecting yourself or this Council or anyone in the Administration, I have no knowledge of those conversations that

you just related to. I have not had any conversations with Reverend Simms or Mrs. Brown relative to these subpoenas or relative to the information that's contained therein, and that's up to this very moment I have not talked to them.

The Chair:

Mr. Flaherty.

Mr. Flaherty:

Mr. President, I would just care to regress in that in saying I believe that the accountability and the controls as to if we are going to have equitable and fair minority participation, that even in the beginning it is askew or it was askew. A point of reference is that we are asking Mayor's Office to watch the Mayor's Office. That's like asking a fox to watch the chickens, so, I think Council was very lax in the first place in agreeing to allowing the Mayor's Office, in this example, Reverend Simms, whose office is immediately adjacent to the Mayor's Office, to enforce a very sensitive issue of equitable Minority Participation Review Committee. I believe that this Council can go a long step toward correcting that problem also, by supporting Councilman Robinson's resolution.

Michelle Madoff:

One quick question, Mr. President.

The Chair:

Mr. Givens has his hand up. Mr. Givens.

Michelle Madoff:

No, he didn't.

Mr. Givens:

No.

The Chair:

Okay, this is it.

Michelle Madoff:

One quick question. Councilman Robinson in a very gentlemanly way said that he did not introduce two bills at the Mayor's meeting and asked that they be held, that he would not introduce them through his Committee on the North Shore, sir?

Mr. Robinson:

Yes.

Michelle Madoff:

And I wanted to know who introduced them. Is it true that you introduced them, Mr. DePasquale?

The Chair:

Yes.

Michelle Madoff:

Thank you.

Mr. O'Malley:

Call for the vote.

The Chair:

Because I don't think we have the right to withhold any bills from the Mayor's Office.

Michelle Madoff:

That's the decision that we make when we have to subpoena to get information.

Mr. O'Malley:

Call for the vote.

The Chair:

Is there any discussion on the subpoena?

Mrs. Masloff:

Well, I think the subpoena and the threatened subpoena is a little strong, and now that we're this close to a subpoena, I think we ought to give them one more chance. I vote no.

Mr. O'Malley:

I vote aye, and I think every member of this Council should have all the information required to do their job properly.

Mr. Stone:

I would like before I vote to make this comment. I do not object to Mr. Robinson getting the information he desires. The City has made a commitment to minority female representation; they're entitled to it. We should not give lip service to it. My problem is more a procedural one, and that is that I foresee that if we do this kind of thing at this time that we're going to have a rash of subpoenas, and I don't think that's in the best interest of the City. I do, however, feel that there should be a strong letter to the individuals involved. I have not seen where anyone said they will not supply the information, and I think that a letter ought to be sent from this Council instead of a subpoena, will you provide the answer, and if they say yes, when will you supply it. I don't know at this point whether it's a refusal or whether they just couldn't meet the timetable, but as far as getting information, it's not

my intent, as I stated earlier, to thwart the attaining of information. I just think the use of the subpoena power at this point and in this instance is going to lead to something that is going to be worse to handle than the present problem, and at that point, I vote no.

Mr. Woods:

I vote aye, because I know Mr. Robinson's been asking for some time for this information, and he hasn't gotten it.

Mr. Given:

Mr. President, sometimes it's nice to be on the end of the line where you can hear what your other fellow colleagues say. Mr. President, I enjoy you and Councilman Stone and Sophie Masloff in the fact that this is the first time that the subpoena has been brought to my attention. It's a very degrading position to take on any of us. I have looked at that same subpoena issue myself. I'd want that letter to go indicating if these records are not brought forward, but then the subpoena would be such. As the vote is coming down right now, it doesn't make much difference how I vote on this particular issue, and the fact that there will a subpoena. However, before that subpoena is issued, I would hope that the Mayor would respond to this Council, and I hope that those documents, public documents as so indicated here by Mr. Robinson, will be on our desks before this day is over; and for that reason, Mr. President, I vote no.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff Mr. Woods
Mr. O'Malley

AYES 5 NOES 4
(MR. GIVENS, MRS. MASLOFF, MR.
STONE AND MR. DEPASQUALE
VOTING NO)

And a majority of the votes of Council being in the affirmative, the subpoena passed finally.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2629

Report of the Committee on Finance for February 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2492

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Domenic Parente Contractors, Inc., in the amount of Thirteen Thousand Seven Hundred Fourteen Dollars and Twenty Five Cents (\$13,714.25) in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Meadow Street Bridge; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Stone
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2514

A Resolution entitled, "Resolution transferring \$50,000.00 from Code Account No. 1060, Salaries, Regular Employees, Department of Finance to Code Account No. 1061, Salaries, Temporary Employees, Department of Finance."

Which was read.

Mr. Stone:

In accordance with Section 322 of the Home Rule Charter I move that the effective date on Bill No. 2514 shall be the date of the Mayor's approval.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

Bill No. 2515

A Resolution entitled, "Resolution providing for an agreement or agreements with data processing micrographic specialists or consultants for computer processed microfiche services in connection with real estate tax, water and sewage, and various other tax, service and payroll and worker's compensation records; and providing for the payment of the cost thereof." Which was read.

Also,

Bill No. 2516

A Resolution entitled, "Resolution providing for the lease of certain property at the first floor of The Jones Law Building, 1st Ward, from March 1, 1983 for a term of seven and one half months to house the operation of The City C.E.T.A. Summer Youth Employment Program, upon certain terms and conditions, and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

Mr. President, Bill No. 2516, does anyone know whether that bill will include furniture as well as rental space and where the furniture would come from? That's on the CETA Program renting the Law and Finance Building for a period of time or the Jones Law Building, I'm sorry.

Mr. Stone:

It's only a rental.

Mr. Perry:

One thousand square feet.

Michelle Madoff:

Does anybody know where the furnishings are going to come from? They must have some old furniture there that we could use.

Mr. Stone:

It's only tables.

Michelle Madoff:

Yes, that's what I said. I wonder if we cannot have to buy it, whether it's going to be there, whether they will have it there. Does anybody know that? I don't want to hold the bill up. Could you just get that information for me? Whose bill is this?

The Chair:

It should be in Supplies.

Michelle Madoff:

My concern is that we don't go out and buy new tables for thousands of dollars. Could you just check what kind of equipment they're going to have in the facility.

Mr. Stone:

Michelle, they can't buy it unless they come back here.

Michelle Madoff:

Well, I would assume that for \$50,000 they could get the old tables and chairs that are there now.

Mr. Woods:

We'll get them downstairs; they'll have them.

Michelle Madoff:

Okay, thank you.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2523

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Chrysler Credit Corporation in the amount of six hundred fifty-four dollars (\$654.00). This warrant is necessary to refund the excess collected when their vehicle was auctioned, as City Ordinance requires that any funds received when the vehicle is auctioned be refunded to the owner upon request."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)
AYES 9	NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2630

Report of the Committee on Public Works for February 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2215

A Resolution entitled, "Resolution establishing an Animal Control and Animal Welfare Trust Fund."

Which was read.

Also,

Bill No. 2493

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the rental and repair of equipment in connection with the City of Pittsburgh's Capital Construction Division; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2494

A Resolution entitled, "Resolution providing for a Contract or Contracts for the purchase of new and/or used Heavy Equipment for use by the Bureau of Operations in the maintenance of highways and sewers; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2495

A Resolution entitled, "Resolution amending Section 2 of Resolution No. 1023, approved October 1, 1982, effective October 14, 1982, entitled, 'Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street and Joseph Hartman, 30 Bly Street, certain property in the 26th Ward of the City of Pittsburgh' by providing for the payment of the closing costs."

Which was read.

Also,

Bill No. 2497

A Resolution entitled, "Resolution amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, entitled, 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating a new line item, and adjusting the summary totals."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2631

Report of the Committee on Planning, Housing and Development for February 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2510

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to enter into a grant agreement with Housing Opportunities, Inc. for an amount not to exceed Nineteen Thousand Four Hundred Fifty (\$19,450.00) Dollars from the Neighborhood Housing Fund for site development work on Block 25M, Lot 163

in the Sixth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2511

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Isadore Caplan for the sale of Block 11A, Lot 248 in the Third Ward of the City of Pittsburgh (Sideyard)."

Which was read.

Also,

Bill No. 2512

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP Sideyard Sale)."

Which was read.

Also,

Bill No. 2513

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Laud, Inc. for the sale of Parcel 79 in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Resale for Rehab.)."

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 2511, 2512 and 2513, if Council will remember, some weeks ago we made a request to the Urban Redevelopment Authority to send to us a tax status statement relative to all properties that they were transferring due to the fact that a number of people buying those properties were having difficulty once they purchased the property in addressing the issue of back taxes. I did discuss this issue with Mr. Noonan and Mr. Brophy from URA, and they indicated that this was a common problem that in part related to some difficulty in the County Assessor's Office and that they have approximately 1600 such cases on their files, and they indicated that they would prefer to send a letter explaining the problem and have this letter included in the record, and that if any member of Council is approached by anyone who has purchased URA property who is having tax problems, to please forward their name, address, and phone number to Mr. Noonan.

Evidently, this issue is going have to be resolved possibly in court because it involves the County Assessor's Office perhaps not properly processing tax information, and, therefore the Urban Redevelopment Authority and our City Solicitor's Office do not have the necessary information to make an adequate determination of the tax status of properties that we are selling. As I understand it, several attempts have been made to get the Commissioners and other appropriate county officials involved in resolving this issue, but to-date it has not been resolved. I am concerned that the people who are buying this URA property are being in some instances intimidated once they purchase the property and then get these gigantic bills for back taxes, taxes which, in effect, should be forgiven,

because once URA takes over the property, the taxes are supposed to be forgiven. It's a serious problem and one that hopefully can be resolved. Mr. Noonan and Mr. Brophy assured me that they will continue to work with Mr. Pellegrini in our Law Department and work with the County Solicitor, as well as persons in the County Assessor's Office, in trying to resolve this problem, so I would like to have this letter included in the record along with those bills. Thank you.

(LETTER CONCERNING BACK TAXES)

February 28, 1983
255-6660

The Honorable William Russell Robinson
Member of Council
City of Pittsburgh
City-County Building
Pittsburgh, PA 15219

RE: Sales of URA Properties Tax
Information

Dear Councilman Robinson:

Thank you for having taken the time to discuss with Paul Brophy and me the real estate tax issue which are the subject of your recent letter to Paul.

As I explained to you last Friday, the real issue relative to the many complaints you have received is the fact that the real estate taxes and liens are not being stricken from the records of either the County or the City even when they are shown to be exempt.

A brief outline of URA procedure when acquiring and disposing of a property might better help you understand what happens.

When URA acquires a property, it pays the pro rata share of the taxes due

for the year in which the property is acquired and requires that other taxes due and owing are satisfied. We then get an insurance title policy.

URA then files, with the County Assessor's Office, a request for exemption from taxes during the period we own the property. (We argue that we are non-taxable by law regardless of the exemption request, but we follow the City/County established procedure in order to conform to their request). We are then at the mercy of the taxing bodies' procedures. Sometimes the exemptions are granted expeditiously; other times we might wait for months. To the best of my knowledge, we have never been refused.

Now the problems really start.

Even though the property is in an exempt classification, the taxes continue to be assessed. Additionally, even though the previous taxes had been satisfied, they probably were not stricken from the City or County records.

Now URA sells the property. We know the property has been exempt during our ownership and we can convey clear title. However, since the taxes were evidently still being wrongfully assessed during that period, there is a mounting tax debt on the record against the property and the new owner keeps getting tax bills which should never have gone out. This is when the complaints start. Eventually, the taxes reach an amount which triggers City/County liens and foreclosure notices. The complaints become more vocal.

In the meantime, URA staff assures the new owners that the taxes are not their responsibility and we immediately take steps to straighten out the matter. The City or County are

contacted, they agree the taxes are not due, and abate their legal actions. However, the taxes are not stricken and the same thing happens to the same owners the following year. An it will continue to happen until the records are straightened out.

The URA presently has 1,600 cases similar to the problems outlined above. We have been striving for several years to resolve the problem. We are now working through and with the City Solicitor's Office to see if we can do so.

I would ask that sales of URA-owned property not be held up in Council because of the tax problems. We are on top of them. However, in the final analysis, we do not control the taxing bodies' staffs and can only do so much.

Very truly yours,

John L. Noonan, Director
Real Estate Division

JLN:db

(END OF LETTER)

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2632

Report of the Committee on Parks and Recreation for February 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2502

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts for the rehabilitation of turfed areas including Quarry Field; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2503

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Allegheny County Institutional District in connection with the Federal Area Plan for Programs on Aging providing for payment and reimbursements to the City by the Allegheny County Institutional District for expenditures in connection with the Senior Citizens Program; providing for the payment of the City's share of the cost; providing for the deposit of funds and providing for the expenditure of Program Income - Meals funds for the

purchase of additional congregate meals through the existing ACID contracts."

Which was read.

Also,

Bill No. 2504

A Resolution entitled, "Resolution providing for a lease or leases and/or a license agreement or license agreements for the use of certain City property by community non-profit organizations, in conjunction with the Senior Citizens' Program, for a nominal fee of one (\$1.00) dollar per year."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2633

Report of the Committee on Public

Safety for February 23, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2537

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven 'Business Licensing', Article IX 'Amusement Businesses', Chapter 771, 'Amusement Places and Producers', Section 771.08 'Minors Playing Pool; Obscenity.' by providing regulations prohibiting minors in Amusement Arcades during certain specified hours of school days."

Which was read.

Michelle Madoff:

As many members are aware, there was an editorial in this morning's paper, I was called last week by the Post for my viewpoint. I think there are some errors in the editorial in that they're implying that we're going to put a tremendous burden on City police. The facts remain if you get one or two or three arcade owners who violate blatantly this law, and they do have recourse to the courts to begin with, the others will follow suit. I have talked to the arcade owners themselves, and for the most part, with one exception, I have had all of them say that they are do not permit, will not permit, and do not want students in their arcade in the day. One of the those people was Richard Cohen who was one of the Mayor's assistants and does have an arcade, so I don't think we're putting any burden on the City police

It talks about truancies, and this is a flawed piece of legislation, and the concept that we had a ruling from the

Mayor, from the Administrative Law Department. I've talked to some legal counsel, and they agree with me that, as Mr. Pellegrini said, he doesn't know what the ruling will be as to whether it will be held to be legal or not legal, but he does know that they will appeal that bill; and that bill will take three more years in court in all likelihood; and meanwhile, the magnet, the drawing card, the impetus for our youth to cut school and go in packs or in groups of a number of truantries are to the arcades, so I want to lead that bill.

As you know, I did introduce another bill because I've been asked and told that the bill does not go far enough, that what we're doing is discriminating against the arcade owners who have six machines because that is our bill, and what is going to happen is that they're going to go to the places where there's only one machine whether it's a pinball or a video machine and so on. The argument has been thrown out that, why don't we regulate department stores and say kids can't go into department stores, but the fact remains children do not cut class and are not truants for the same drive, the same verve, the same impetus as they are to go to play video arcades, to play video machines, to play pinball machines. Youngsters are seen in these facilities with coins, rolls of quarters. There's no money left in the sugar jar anymore when people aren't at home miscellaneous change isn't in the house anymore; and I think that we have a responsibility to this community to help the School Board. We can no longer say that we have nothing to do with schools, but to say we just want to support them by passing this piece of legislation which will help enforce the truancy law; and I stand by my bill and hope that the second companion bill will also pass.

The Chair:

Mr. Flaherty.

Mr. Flaherty:

To follow up on what Councilwoman Michelle Madoff has said, I agree with some of the things that she has said. I am not in support of the bill, but I believe that Michelle did say that the real problem is truancy, and I don't think arcades cause truancy, and I believe that there are sufficient laws on truancy; and I think there is a lot of credence to the argument that it tends to discriminate against arcades if you are going to prohibit individuals under 18 from going into an arcade during traditional school hours, and you are not going to prohibit that individual from attending a show or from going to a department store or to the pizza shop; so I have real problems in that the bill tends to just single out arcade shops, and I also have problems. I know that Michelle is going to introduce another bill. It has been introduced, and this Council has not acted yet on that bill, there's certainly no guarantee that this Council is going to pass that bill; and so if we were, for example, to pass this bill and not pass her bill, then this bill would look quite foolish on the books, and so I have a real problem with putting the cart in front of the horse.

The Chair:

If I may make a comment, I feel similar to Mr. Flaherty in regards to the discriminatory part of the bill. As I told you earlier, anything we can do to aid the cause in regards to children playing truancy or spending that money foolishly I'd certainly go along with, but I'm wondering if the bill would really be legal and would have any teeth with just saying arcades if you're not being completely open and above board in saying all businesses or all places or all establishments should bar children during

school hours, because obviously, if they're in there not with their parents, they are cutting classes, or they are playing truancy, because obviously, if the child is in there by himself and the parent isn't with them, the parent doesn't know they're there. I would think anyway.

Michelle Madoff:

Mr. President, I think it's necessary to respond to both you and to my esteemed colleague. This is not a bill that came out of the head of Zeus. It is not Michelle Madoff's bill. I didn't dream it up. It was a off-shoot of the original zoning bill.

The Chair:

Michelle, first of all, nobody's arguing with your intent of the bill. Your intent of the bill is good, and we all agree with that.

Michelle Madoff:

I would like to elucidate on how to the bill came into being. The people who came to our hearing, the people from the Homewood-Brushton area that asked to be heard on the arcades and the banning of video machines in arcades and have subsequently asked, you know we're both out there in the community right now because of the time of year, and we're everywhere and we're in every part of the City; and I've had parents come over to me and say, "We support you completely; thank you for introducing the bill." Whether it's Brookline, whether it's Carrick, no matter what part of the city it is in, they feel that the impetus, the thing that is drawing the children out of the class and having them become truant at this point in time are these video machines. It was the will of the communities that we introduce this kind of legislation. It's was our own Zoning Board, Mr. Jim Brown, who said,

"I have four kids. As far as I'm concerned, anything over four," because he needed a number which he could make arcade legislation legal by changing or amending or having a companion bill that says no video machines or no mechanical devices, we then expand the bill.

I will be very truthful. The reason that I don't want to hold this bill is at least we're starting something. We're saying to those who have the most to lose, who have licenses; and I am surprised because most of the people in the business say we agree. The person who helped me draft the bill was an owner of an arcade, and he said he doesn't want them. He supports the parents. He has children; and I wonder whether the person who wrote this in the Post-Gazette has any children; and I bet you he's not married and doesn't have any kids. He doesn't realize when the kids get to be teenagers they tell you they're anywhere, they're in the library studying, and they go where the attractions are, and the attractions are at this point in time the video machines.

The Chair:

I only have one other comment to make, if I may. When I went to Schenley High School, if we cut a class and we walked down Centre Avenue, I remember Officer Laulis, he would hustle you right back up school, and if you didn't go back up to school, you took a ride in the paddy wagon. They don't have that today. You don't have those policemen out there doing that. You don't have anybody overseeing these kids.

Michelle Madoff:

That's why I'm introducing this bill. You just gave me the best argument for introducing it; we don't have that today.

The Chair:

Mr. Robinson.

Mr. Robinson:

Mr. Chairman, as I've shared with members of Council —

The Chair:

That might be a good argument to have more cops and might get more police.

Michelle Madoff:

Well, this Council voted for them. The Administration hasn't put them on.

The Chair:

It's never too late. Go ahead. I'm sorry, Mr. Robinson. Mr. Robinson has the floor.

Mr. Robinson:

Mr. President and members of Council, as I have indicated on several occasions, I think that one of the issues we cannot lose sight of is the fact that the primary responsibility for keeping young people in school belongs with the School Board itself here in the City of Pittsburgh. We have an elected School Board. They have a very specific responsibility, and making sure that young people are in school during school hours is one of those responsibilities. We also cannot forget that the parents of all school-age children are obligated by law to make sure that their children are in school during school hours. There is an appropriate state law which addresses this concern, and while I'm appreciative of the frustration of many of the people throughout the city in terms of getting their youngsters to school and keeping them in school, I think we need to be

very cautious in taking any steps to involve ourselves in what could be considered School Board matters or School Board business. We are not primarily responsible for young people being in school or being out of school. Unfortunately, the school system has not responded to any of our inquiries concerning this matter. I don't know what that silence indicates, but it would at least indicate that they're not too terribly concerned. I've read things in the paper and I've heard things about School Board officials being concerned about this problem, but we have not heard from the President of the School Board, Doctor Engel; we have not heard from Doctor Wallace, the Superintendent; we have not even heard from any of the School Board members who represent the various people who came in and protested. I would just hope that in considering this bill that we take those factors into consideration and also that this Council would send some type of communication to Dr. Engel and Dr. Wallace expressing our concern that the School Board, the school system in the City of Pittsburgh address the issue of truancy, that they address the issue of having adequate personnel to supervise these young people, that they address the issue of seeking the assistance of other governmental agencies.

There has been a great deal of constituent pressure on all members of Council, myself included, to do something, and I suspect it is because video arcades have become a menace to many people across this country, not just in reference to young people not going to school, but in terms of adults who seem to be addicted; and if anyone watches television regularly, you know there have been a number of specials done on this issue. Some people are even suggesting that there are people who have to play these video machines for some type of psychological therapy. I think we just

ought to be careful that we don't get pulled into this discussion of a current social phenomenon, the video arcade, that we don't be misled into believing that if, indeed, the school system is unwilling or unprepared to address this issue, that we have some sort of overriding obligation to run in and try to solve their problems.

The school system recently proposed an expansive building program which I assume can only be accomplished by taking monies out of their treasury, getting monies from other governmental sources or by increasing the millage. If, indeed, they have plans to build new buildings, they should have plans for the youngsters who are to go into those buildings; and I would hope that we would encourage them to first hire adequate personnel to make sure that our young people are in school and to make sure they're in school during school hours before they build one more schoolhouse, so that this Council is not confronted next year or next week with another request from citizens to do something that our school system should do.

On Wednesday, I indicated that I was willing to support this bill. I support it reluctantly, because I think that when we begin to step into those areas that are specifically dictated by some other governmental body, that we have to be careful what we're doing. I will support it, but I hope that each member of this Council will at least give some serious consideration to what I said, and will encourage the school system to address its own problems.

The Chair:

Thank you, Mr. Robinson. Mr. Stone.

Mr. Stone:

Mr. President, there is by virtue of an opinion from the City Solicitor some serious legal problems. In fact, he says, based on the present state of the legal record, that he feels it's illegal. He recommends a holding of the bill pending the decision in the case that's now before the appeals court. Judging by what conversations and exchanges we had last Wednesday, it appears to me that his opinion does not cover all of the other possible grounds for appeal in declaring this matter an illegal thing. For us in the face of that opinion from our legal solicitor to pass what is in his interpretation perhaps an illegal bill is less than logical, less than sensible, and especially for a legislative body who's supposed to be setting an example for the community, and that's not to mention the potential financial burdens. The penalty is that we revoke your license. Anyone who has a business and you revoke that license, they are incurring a loss of income; so the question is, if you took my license away and you deprived me of money, should you not pay in the event that you are incorrect?

I don't think this is a question of whether we are for or against children in arcades. I think everybody on this Council is opposed to it, and we ought to let the record show that, but the question is, does this bill accomplish what is attempted to be started here, and to hear people say we ought to pass it even it's illegal, so what, we'll never hear about it, I think is incorrect; and I can't subscribe to that theory, because, number one, we don't accomplish the end we want, and it certainly doesn't benefit the intended beneficiaries. I'm mindful of the time when there was an attempt to stop "Deep Throat" in the City of Pittsburgh, and there was a bill passed that was illegal, and it was known to be one that shouldn't have been passed. It was enforced, and the only one that benefited was the X-rated movie house

who netted some \$75,000 because of the free publicity they got; and I think when we're getting to this one when you're depriving people of their rights and business or their individual liberties, you have to be extremely careful, and I think that we need to rely on our City Solicitor so that we're not hurting but rather helping what we intend to do.

Michelle Madoff:

Mr. President, before you call for a vote, Mr. Stone offends my sensibilities when he talks about we have the opinion of our legal counsel. As you know, sir, we have been out on the trail this time of year I repeat, and in many places that I go the question, particularly in Councilman Flaherty's own district, is repeatedly asked, "How do you feel about Council having its own full-time legal counsel as we're directed and allowed to do in the Home Rule Charter?" Now, when Mr. Stone says we can go to our Legal Department, I scoff, because they are not our Legal Department; they are the Administration's Legal Department, and they are hired by the Administration and fired by the Administration. It reminds me of the old joke about Davey Lawrence, it's said that he when asked a question of his Law Department, by taking a note out of his right pocket, he wanted a yes answer, and if he took it out of his left pocket, he wanted a no answer. Now, that's a standing joke. I don't know if it has any bearing and truth; but I do feel that there is a difference of conflict of interest. This Council should have its own full-time legal counsel, we should have our own fiscal advisor, and I will be coming up a third year with a bill to that effect; and so I don't want to hear from any member of what the Mayor's Law Department has told them, because why is Mr. Robinson introducing a bill today to subpoena people because he can't get the information, and the Mayor's Legal

Department isn't saying you'd better give it, and on that I rest my case, and I think the public are going to be heard from. They'll have their say in the letters to the editor.

The Chair:

I've only run into two people in Pittsburgh who aren't running for City Council.

Michelle Madoff:

That is not far from the truth, Mr. DePasquale.

The Chair:

Must be a good job. Everybody wants it.

Sophie Masloff:

No is right. I agree with my colleagues. I've seen more kids standing in front of McDonald's than I've seen in any video shop, so if you're going to look for kids, you can find them in McDonald's first. No.

Mr. Woods:

I voted yes on Wednesday, but I'm going to change my vote to no, because this other legislation that was introduced, I can't be for that, and so I felt I'd just be hypocritical if I vote yes on this, so I vote no on this bill, and I'll be voting no next Wednesday on the other bill.

The Chair:

At the risk of saying I'm against children, I'll vote no.

The Chair:

Is there any further discussion on

the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Robinson

AYES 2 NOES 7

VOTING NO:

Mr. Givens Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Michelle Madoff:

For the record, the vote does not surprise me.

MOTIONS AND RESOLUTIONS

Mr. Robinson presents:

Bill No. 2635 Resolution appointing The Honorable Michelle Madoff as a Member of the Commission on Human Relations, City of Pittsburgh for a term to expire on December 31, 1986.

Michelle Madoff:

Michelle Madoff declines the honor. I appreciate and I thank Mr. Robinson for his gracious consideration of me for that position; however, I think the members of Council should serve

where they have the greatest expertise. I don't think anybody in this room would deny the fact that I probably have greater expertise in environmental matters than anybody on this Council. I have been denied the opportunity to serve on ALCOSAN. Mr. Depasquale, since you're Chairman of ALCOSAN where the patronage jobs are located, where families are hired, you know darn well I'd investigate it, and know I will not be relegated to some entity just to satisfy and just to take on the Mayor. I think the Mayor has a responsibility to appoint me to something where I can best serve with my expertise. He will not do it because he's afraid of me.

Mr. Robinson:

Mr. President, if I might, with all due respect to Mrs. Madoff and other members of Council, I think I made my position quite clear over the last couple of weeks relative to my understanding of the Home Rule Charter as it relates to members of this Council serving on boards and commissions. Mrs. Madoff is the only member of this Council who does not serve on a board or commission. Certainly, the Mayor has the prerogative to appoint members on boards and commissions and that is well established in the Home Rule Charter. Council also has the prerogative of filling all vacancies on boards and commissions if the Mayor has not done so, and this Council is presently considering legislation to fill all those vacancies. It seems to me that if we are going to maintain some credibility, that it is essential that members of Council be afforded every and all prerogatives that are provided to them by law. My concern is not to take on the Mayor; my concern is not to satisfy Mrs. Madoff; my concern is not to take lightly the Home Rule Charter. The vacancy to which I have recommended Mrs. Madoff to be appointed has been vacant for more than

60 days. The Charter very specifically, very specifically indicates that if there are any vacancies that exist for more than 60 days, that this Council is in power to fill them. Mr. Woods indicated that he spoke to the Mayor, and correct me if I'm wrong, Mr. Woods, last week, and the Mayor indicated that he was taking appropriate action to fill all vacancies. Well, that certainly is what Councilman Robinson has requested, and that's certainly what this Council has requested. I don't know the Mayor's motivation for doing that, but if he does that and it's his prerogative to do it, then God bless him, and I will support it; but this Council has prerogatives, and I don't think anyone on this Council should ever walk away from their prerogatives, and I don't think we should be intimidated by the Administration to walk away. This Administration submits names to us for consideration. We have the ability to submit names and take action. If Mrs. Madoff feels that she does not want to serve and will not serve, I certainly will respect her right to do that, but I'm going to protect her right to serve on one of those boards or commissions, and if not on Human Relations, on some board and commission, and if she's not appointed to a board or commission, this Council ought to take the appropriate action to see to it that she is appointed for all of our sakes and all of our credibility.

Michelle Madoff:

Mr. President, I would like to echo the sentiments of Mr. Robinson. When the Mayor doesn't fill the vacancies, we do have that right, and I am honored that he found me worthy of that particular commission. I have had, I believe, an outstanding record, almost a 1,000 or 1,010 percent vote in this area, and I'm flattered that he would think me worthy of this particular position; but I don't want to be the instrument by which you

assert and this Council asserts itself, as we justly should, and see that the Mayor fulfilled his obligation and fill these authorities, nor will I be the person, when we know full well that when Mr. Bulls was appointed originally, in my naivete, I came to this Council when I was here four and a half years ago and said, "I have this expertise, and I would like to help," and I didn't realize what all the goodies were and the perks and the trips and all the little things that were on that board, and no way was my expertise going to be used. Then, when another vacancy was available, Mr. O'Malley, who I hold in high esteem, was appointed in my place when I have the expertise, and I am not going to be sitting here saying just shove me into any old commission just to meet the Mayor's requirements or because Council wants to assert itself. I'm going to serve where I have my knowledge and my expertise, and if they can't put me where I can do some good, I'm not going to be window dressing, as pretty as I am, for anybody else --

The Chair:

If I may, Mr. O'Malley has been a most active member of that board down there, and he's done a terrific job.

Michelle Madoff:

-- and he's does a great job. It's not a slur at Mr. O'Malley. I told him at the time that I thought, I had no objections to him. I just felt I should have had that job.

The Chair:

Mr. O'Malley.

Mr. O'Malley:

Yes, I'd just like to make a few remarks in response to Mrs. Madoff's

remarks about ALCOSAN. First of all, I think there's a few things she should know about ALCOSAN. One, it's the finest run authority in the country. Two, the authority has not raised rates in the past seven years. It's the only authority in government body that has not raised rates in seven years. If anything, we are having problems with the federal government securing additional funds so we can go on an expansion and remodernization program, because ALCOSAN is known throughout the country as being one of the finest authorities in the country; and our air pollution quality is over and above standards, so we're having problems securing additional federal funds, and just in light of those three things, being on the board of ALCOSAN for the past year and a half, I feel ALCOSAN is getting along fine without Ms. Madoff on the board.

Michelle Madoff:

May I point out that ALCOSAN met its standards and changed its name from ALCOSTENCH to ALCOSAN in the community because of the efforts of Michelle Madoff and other people to see that they cleaned up their garbage. They are doing a creditable job, as far I know, but I will tell you if I were there, I would know a lot more.

Mr. Flaherty:

Who says that ALCOSAN is the best authority in the country? I always hear this, and who says it?

The Chair:

Jim O'Malley and I.

Mr. Flaherty:

Jim O'Malley. Well, as long as we got that on the record.

Mr. O'Malley:

What I'm going to do, Tommy, I'm going to furnish you with the reports that are put out by the National Sanitation Authorities.

Mr. Flaherty:

And they say it's the best in the country.

Mr. O'Malley:

It's among the best authorities in the country.

Michelle Madoff:

I have no problem with ALCOSAN. I'm just singling them out to say that's where my expertise is, and while I have no objections to you serving on it, I think there will be another vacancy and I could serve on it.

The Chair presents:

Bill No. 2636 Resolution approving the appointment of Ms. Dorthea Mason of 931 Clarissa Street, Pittsburgh, Pennsylvania 15219 to fill a term on the Human Relations Commission to expire March 1984.

Which was read.

Also,

Bill No. 2637 Resolution approving the appointment of Pinkie Reeds of 1001 Premier Street, Pittsburgh, Pennsylvania 15201 to the Human Relations Commission for a term to expire March 1987.

Which was read.

Also,

No. 2638 Resolution approving the appointment of William P. Gallagher to fill a term on the Human Relations Commission to expire March 1984.

Which was read.

Also,

Bill No. 2639 Resolution approving the appointment of Ruth Drescher to fill a term on the Human Relations Commission to expire March 1984.

Which was read.

The Chair:

Motion to hold for two weeks for review.

Mr. Robinson seconded the motion.

Which motion prevailed.

The Chair presents:

Bill No. 2636 WHEREAS, the Diocese of Pittsburgh will observe Catholic Schools Week during March 6 to March 12, 1983; and

WHEREAS, there are 15,541 students educated in 48 elementary and secondary schools in the City of Pittsburgh who are given a value-centered education in a Christian environment; and

WHEREAS, Catholic School students are instructed in human knowledge and skills valued indeed for their own worth but seen simultaneously as deriving their most profound significance from God's plan for his creation.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor

and the Members of Pittsburgh City Council hereby designate the week of March 6 to March 12, 1983, as Catholic Schools Week in the City of Pittsburgh to draw attention to the importance of teaching religious truth and values in the school program so that the life of faith will illumine the knowledge which students gradually gain of the world, of life, and of mankind.

Mr. O'Malley moved to adopt the Resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

Mr. Robinson.

Mr. Robinson:

Mr. President, if I might very quickly, I'd just like to share with Council an issue that I think is of tremendous importance, and that's the issue of Community Action Pittsburgh. Every member of this Council is aware of the difficulties that CAPI is experiencing and the efforts on the part of many people to resolve those difficulties. In the interest of the public and in the interest of the credibility of City government, I would again request that the President of this Council and the Mayor of the City convene a meeting with Council, the Mayor, and the representatives of Community Action Pittsburgh to identify what problems they might be having, both technical and managerial, and to offer what assistance we might, based primarily on the fact that it is the government of the City of Pittsburgh which has the responsibility of designating the agency which receives the funds that CAPI receives.

The Chair:

Bill, if I may, I talked to the man. He's going to give me the time on that tomorrow.

Mr. Robinson:

Okay, let me also --

Michelle Madoff:

The time for what, Mr. President?

The Chair:

The time for the meeting.

Michelle Madoff:

We're going to have a hearing tomorrow?

The Chair:

No, a meeting. Bill's asking for a meeting with the man.

Mr. Robinson:

Yes, if I might continue. I have some copies of some letters that I have forwarded to the Secretary of the Department of Community Affairs, Ms. Shirley Dennis, to Mayor Richard Caliguiri, relative to the issue of CAPI status, the audit report, the evaluations, both of which have been subjects of news articles. The secretary of the CAPI board, it would seem to me that, rather than continue to haggle over the designation of CAPI, to haggle over whether or not this City Administration and this Council's going to assist CAPI, the appropriate thing would be for this Council to authorize an investigation into the status of Community Action Pittsburgh and to ask the appropriate people to come before this body so that we can determine what exactly is going on at Community Action Pittsburgh. As everyone knows, this is a very delicate

and sensitive issue and one that many people would prefer not to address, but if we are going to be concerned with the taxpayers' money, in this instance we're talking about maybe \$3 million, I think that we have to be honest and above board in identifying the problems and trying to find a solution. There's a great possibility that Community Action Pittsburgh will not be functioning beyond the first quarter of this year. There's a great possibility that some agency within City government might be asked to take over those responsibilities. Those are two good reasons in addition to the ones I already mentioned as to why this Council should take a very strong stand and authorize an investigation to get to the facts so that we, as a body, this Council, have our own information and can make a judgment on our own. There is, and I'd like to close on this note, there is some question as to whether or not Community Action Pittsburgh should be the designated agency. I think the question is whether or not City government has, in fact, designated Community Action Pittsburgh, and if we did designate them, what process did we use? I think it's very essential for us to clarify what role City government is going to have in the operation of any programs designed to eliminate poverty, because certainly Community Action Pittsburgh is servicing the same constituency that the City of Pittsburgh services. I prevail upon this Council to seriously consider the investigatory route and to establish an investigative process before state authorities or county authorities take it upon themselves to investigate this agency. I think we ought to be in the forefront of that effort, and I'd like to submit these letters, and encourage Council to initiate an investigation.

(LETTERS CONCERNING CAPI)

November 18, 1982

Ms. Shirley M. Dennis, Secy.
Dept. of Community Affairs
Commonwealth of Pennsylvania
Harrisburg, PA 17120

Dear Ms. Dennis:

On October 19, 1982, members of your staff, under the supervision of Mr. James Edwards, initiated an evaluation/audit of Community Action Pittsburgh, Inc.

I was present at the entrance interview and shared with your staff my perceptions and observation relative to the operation of CAPI (Community Action Pittsburgh, Inc.).

As Secretary of the CAPI Board, I am very interested in the results of that evaluation/audit and would appreciate a copy of same.

I believe the credibility of the CAPI Board and staff, as well as that of those elected officials who serve on the Board, must be maintained.

The evaluation/audit will assist me in correcting any deficiencies and to address other issues concerning the fiscal responsibility of Board members and staff.

Your cooperation will be appreciated.

Yours truly,

William Russell Robinson, Chairman
Planning, Housing and Development

WRR:fc

February 18, 1983

Ms. Shirley M. Dennis, Secretary
Department of Community Affairs

Commonwealth of Pennsylvania
Harrisburg, Pennsylvania 17120

Dear Ms. Dennis:

On November 18, 1982 I forwarded a letter to your attention relative to the status of Community Action Pittsburgh, Inc.

As Secretary of the Board I was concerned about the states evaluation of our management and fiscal capacity.

I am again requesting your cooperation in securing all document relative to the audits and evaluations of Community Action Pittsburgh, Inc. for 1982 and 1983.

Your assistance will be appreciated. I am ready to take the appropriate actions needed necessary to correct any and all deficiencies.

Yours respectfully,

William Russell Robinson
Chairman, Planning, Housing and
Development and Secretary,
Community Action Pittsburgh, Inc.

WRR/clc

February 24, 1983

Honorable Richard S. Caliguiri, Mayor
City of Pittsburgh
513 City-County Building
Pittsburgh, PA 15219

Your Honor:

As an elected official of the City of Pittsburgh and the Secretary for Community Action Pittsburgh, Inc., I respectfully request the assistance of your office in providing Community Action Pittsburgh, Inc. with the

necessary technical and financial assistance to perform those functions assigned by the Board of Directors.

As the agency designated by the City of Pittsburgh to receive "traditional anti-poverty" funds and funds from the Commonwealth Department of Community Affairs, I feel it is incumbent upon City Government to be involved in the positive process of addressing CAPI's fiscal and managerial problems.

At your leisure I would like to discuss matters relative to CAPI, and explore means of mutual cooperation.

The recent Commonwealth Department of Community Affairs evaluation and audit necessitate the City of Pittsburgh becoming more substantially involved with CAPI.

Yours respectfully,

William Russell Robinson
Chairman, Planning, Housing and
Development and Secretary,
Community Action Pittsburgh, Inc.

WRR:fc

February 28, 1983

Ms. Shirley M. Dennis, Secretary
Department of Community Affairs
Commonwealth of Pennsylvania
Harrisburg, PA 17120

Dear Ms. Dennis:

I am writing again to seek your cooperation, and assistance relative to the Commonwealth mandated evaluation and fiscal audit of Community Action Pittsburgh, Inc.

After a great deal of difficulty, I

have obtained a copy of both documents.

While I am not prepared to respond, nor do I perceive it to be my obligation to respond, I am very much alarmed by the findings and the recommendations.

I believe that an investigation into the allegations would be appropriate, and I will be doing the same. The Council of the City of Pittsburgh has investigative powers that can be brought to bear.

If CAPI is to be a viable agency, it must have credibility.

Yours respectfully,

William Russell Robinson
Chairman, Planning, Housing and
Development and Secretary,
Community Action Pittsburgh

WRR:gvj

(END OF LETTERS)

The Chair:

Mr. Flaherty.

Mr. Flaherty:

Mr. President, I concur with what some of the reaction that Councilman Robinson has had regarding the CAPI state audit, but I would want to stress a few points. I think perhaps it is beyond the stage where this City Council and this Mayor's Office should be treated with any credibility in dealing with CAPI. I say this Council as a body and the Mayor's Office are one of the primary reasons that CAPI is in the trouble that it is in now. I'm talking about Council as a body. Some members of Council have shown more interest in CAPI than others members of Council, but I have certain reservations about Council investigating CAPI. Those

reservations are based on my strong belief that CAPI has become so politicized with interrelationships, certainly with City Council and perhaps through the Mayor's Office, so I am very cautious in supporting a Council investigation. I think perhaps since the Department of Community Affairs is certainly more removed and probably more objective of the situation than City Council is, perhaps we should just wait a few more days to see how CAPI responds to the audit from the Department of Community Affairs, and then I think we should wait to see what the Department of Community Affairs suggests as far as who should be the agency to channel, the anti-poverty funds under what state law or what mandates this City, this Council, this City Administration plays in who shall be the designate.

The Chair:

Thank you, Mr. Givens.

Mr. Givens:

Yes, Mr. President, I have a concern that this Council had voted upon one Paul McDermott of our Department of Public Works to give him an exclusion from living within the City of Pittsburgh as required by our own Home Rule Charter. Paul's time has expired as of some date in the first part of January. I'd ask, then, Mr. Chief Clerk, if he could come up before this body on this coming Wednesday and explain to us why he cannot move into the City and why he has not been able to sell his house. I think that might be a problem but one that we must address.

The Chair:

That's really the problem as I understand he's having trouble selling the house, and moving in the new one.

Mr. Givens:

He can extend that or --

The Chair:

Have him up Wednesday Mike, and we'll have him explain it, okay.

Mr. Robinson moved to approve the minutes of Monday, February 14, 1983.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council Adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, March 7, 1983

No. 10

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 7, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Robinson:

Mr. President and Members of Council, it's a distinct pleasure to be able to introduce this resolution today to honor the Reverend J. A. Williams to

Baptist Temple Church here in the City of Pittsburgh. Reverend Williams is one of the most distinguished pastors in our community and has served the Pittsburgh community for more than 38 years and I think it's a tribute to him and our community that he is still with us and is still serving and I was honored to be at his church on Sunday and have the pleasure of the fellowship of being with him and the members of his congregation and I thought it would be a fitting tribute during this anniversary month at Baptist Temple to have Reverend Williams come in and receive this resolution. I'd like to read this resolution and have Reverend Williams come forward and accept it, and perhaps he has comments.

Also, I'd just like to recognize a State Representative, Joseph Preston, from the 24th Legislative District who is a member of Reverend Williams' church and certainly one of our outstanding Legislators here in the Pittsburgh area.

One other person from the church who is here is Miss Mabel Milner who has been very active in putting together the total celebration for Reverend Williams and I'd like to also acknowledge her presence.

Mr. Robinson presents

Bill No. 2664 WHEREAS, the Reverend J. A. Williams, Pastor of the Baptist Temple Church of Pittsburgh, Pennsylvania has dedicated more than most to the service of God; and

WHEREAS, his outstanding

contributions to the National Association for the Advancement of Colored People, Young Men's Christian Association and active participation in numerous community endeavors have brought honor to his service and to Baptist Temple Church; and

WHEREAS, he is now one of the "Senior Pastors" in the Pittsburgh Community and in the local, state and national religious associations he has served; and

WHEREAS, the City of Pittsburgh is proud and honored, as are his family, friends and associates, that he has devoted nearly a half century to our community.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens do recognize and honor the Reverend J. A. Williams on the occasion of his Thirty-eighth Anniversary of his pastorate of Baptist Temple Church, Homewood-Brushton, City of Pittsburgh and wish him continued good health, peace of mind and God's blessings.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Reverend Williams:

Councilman Robinson, and to all of you faithful servants of our City, I'd like to say to you that I'm very happy to be here. I feel very humble by what you have said and done in reference to my service in the City and yet I'm very thankful to be a part of such a lovely City as Pittsburgh.

I have attended Council meetings on one or two occasions. I especially remember when Mr. Mason, I believe, was the Chairman at that time. I always regarded him as a very fine friend.

Having served in the City at the Baptist Temple Church, it's been my delight to be concerned about the things of the City and endeavor to help to keep those in office who had helped to make this one of the fine cities of Pennsylvania and, of course, the nation. It has been a joy to serve with these people. I've served when Mr. Barr was the Mayor, on the Committee of Human Resources as vice-president, and when he resigned from that position I took his place until Mayor Flaherty came in. At that time, I resigned from that position but my interest in the on-going of this City and all of its activities has been the center of my heart.

I want to thank you for this consideration you've given me and wish to assure you that if I'm around another 38 years, I'll be doing the same thing, doing all I can to help you to do the job you have chosen to allow us to elect you to do. May God bless you in all of your endeavors. It's my hope and prayer. Thank you.

The Chair:

I know we all want to join in congratulating Reverend Williams on his thirty years or better as Pastor.

Mr. Flaherty presented

No. 2641 An Ordinance supplementing the Pittsburgh Code, Title One - Administrative, Article VII, Procedures, Chapter 161, by adding Section 161.20 RESIDENCY AND MINORITY REQUIREMENTS ON CERTAIN CONSTRUCTION PROJECTS.

Which was read and referred to the Committee on Finance.

Mr. Givens presented

No. 2642 Resolution providing for the waiver of the residency requirement for Paul J. McDermott to be employed on a month-to-month basis until September 1, 1983 as Assistant Director of Engineering, Department of Public Works.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Robinson:

When the original legislation was passed to authorize Mr. McDermott to remain a City employee we put a six month time limit on that employment. The six months have passed, and my interpretation is that Mr. McDermott should have removed himself or been removed from the City's payroll as of the six month period and therefore, Mr. Givens' legislation is not in order.

Mr. Givens:

Mr. Robinson, you're absolutely correct. There were some administrative procedures, a letter did come up, in fact, from the Department of Public Works notifying Council that this pending termination was due and no action came from this Council for whatever reasons. I'm not going to go

into that particular issue. But they did respond.

I think what has to be done right now, either Mr. McDermott has to be extended or, as of today, he'll have to be terminated. I think you have to look at what he was brought into that department for.

I have reservations about anyone living outside the City. We have policemen, we have firemen, that the City is investigating, Mr. President. And they just don't do this for a couple of months or so but two and three years. These people are being sought after.

Now, if we're not to tolerate our policemen and firemen and other City employees living outside the City, then we must enforce upon all the workers of the City to get in here and get in here as quickly as possible if they are in fact hired from outside. The excuse of having two households is not a good enough excuse I'm afraid. Mr. McDermott must make a final decision and must make it, I feel, very, very quickly. I, in my times, have had to have two households. One where I relocated at and one where I was leaving from. These are the problems in a society where you have a lot of mobility. With that mobility comes expenses and costs and sometimes the individual must incur those particular costs.

Mr. Robinson:

Point of order.

Mr. Givens:

The point of order is that we have a problem here that the individual himself had corresponded, that the Director had corresponded. The Council, for whatever reasons, did not receive this information. I'm not going to point

the finger at myself or anybody else. It was just something that happened. It was an honest mistake as far as I'm concerned. Something should be done about it and hopefully we can debate this issue this Wednesday.

The Chair:

Mr. Givens, if I may. You're talking about two different situations altogether. If they're investigating firemen or any other person who supposedly doesn't live in the City, they have to prove it and that's something else.

In regard to Mr. McDermott, I don't believe he ever lived in the City. He asked for a waiver and said that within six months he would be situated in the City. I presume the six months is up and Mr. McDermott is not in the City for whatever reasons. I've been led to believe that he can't sell his home and therefore can't purchase another one. I'm not saying that the gentleman hasn't tried. But there is a six month period and we've passed that six month period and there are people in the City raising questions, asking questions, as to why we're making this exception and why we even made it in the first place. Councilman Stone, as I recall, has been very consistent in regard to any non-resident working for the City of Pittsburgh. We did make an exception here but we're beyond that six month period now.

Mr. Givens:

I'd just like to comment for one minute. That's the intensity that the City has, in fact, gone to court and other methods to assure that people are, in fact, residing within the City of Pittsburgh. If that intensity is there, then I think it is also intensity to get someone to locate in the City who has

employment. I think this is an exceptional situation. We need his expertise, but at the same time, something must be done and done very quickly.

Mr. Flaherty:

Point of order. I concur with Councilman Robinson's point of order and I would want to add that I question the legality of introducing this bill seeing that we have not had an opinion from the Solicitor's Office yet. It seems extremely clear to me that this Council only gave a six month extension, which I understand expired around the first of the year. It seems extremely clear to me that Mr. McDermott has been on the City payroll without any authority of this Council. And only this Council, in this case, can give the authority for him to receive that check. The way I see it, this is an issue beyond Mr. McDermott, it's an issue of residency requirements. But it's also an issue of this Council being subverted by someone else from the Department of Personnel or from the Mayor's Office or from the Department of Public Works because they continue to pay this person and have him on the payroll.

I see our City Solicitor is here and I would like to know, since this is a pressing matter and since we requested an opinion last Wednesday, when we are going to get an opinion on it.

Mr. Robinson:

Mr. President, as the individual who originally --

Mr. Flaherty:

Mr. President, could we ask that of our City Solicitor because we had requested an opinion and I would think it would expeditious to have an opinion.

The Chair:

Mr. Pellegrini, you heard the question.

Mr. Robinson:

Mr. President, I was speaking. You recognized me.

Mr. Flaherty:

I will yield to Councilman Robinson. I'm sorry.

Mr. Robinson:

I just want to ask a couple questions. I think that it's important that Council remember that I was the individual to allow Mr. McDermott to stay on the City payroll for six months because I felt that it was fair to him, since he was employed, and was employed under some unusual circumstances. He was employed and we were asked to waive the requirements.

Mr. Stone, I think, raised a very important question around the whole issue of giving waivers and the potential consequences of Mr. McDermott's situation. Here we are today, six months later, after having given Mr. McDermott an opportunity to move into the City and sell his house, but he has not done that. It seems to me that the point is moot. Mr. McDermott stopped being an employee of the City of Pittsburgh the day his six months ran out and that Mr. Flaherty's point is well taken. Mr. McDermott has been on the City payroll without authorization since that time.

Mr. Givens, it was not necessary for this Council to respond to Mr. McDermott or respond to Mr. Gaetano or respond to anybody. Mr. McDermott understood the circumstances. His boss, Mr. Gaetano, understood the

circumstances. The Mayor understood the circumstances and so did the Personnel Department. Mr. Stone, I think, was very clear when he indicated his objections to us taking this approach at all. And I suggested that six months was a more reasonable period of time than to simply say give him an open ended period, because that was suggested, to sort of let him go from month to month. Six months have passed. To me, the issue is moot. The legislation is out of order and to some extent, the discussion of this issue at this point is out of order.

Just one other comment, if I might, Mr. President. I certainly am not intending any of my comments today or last Wednesday to be a reflection on Mr. McDermott. I said to Mr. McDermott last Wednesday that I would not be able to support him remaining on the City payroll if he were not a City employee and that I had originally made the motion to give him six months. I recognize all the difficulties that people have in trying to sell their homes and moving into the City. I believe the Administration should have taken all that into consideration before Mr. McDermott was hired. And that if anyone has jeopardized Mr. McDermott, it has not been this Council. But I don't want anything to be interpreted that I am trying to deal unfairly with Paul McDermott.

Michelle Madoff:

Mr. President, you know there are times when any body of government sometimes has to go beyond its boundaries for help. I know Mr. McDermott's experience with the company he was with. The only reason we could get him at the money we have him is because he was, I guess, at the age where he was somewhat thinking of taking it a little bit easier although I know he's been working very hard. He

has been most helpful and I don't know what would have happened on that landslide and I presume he will be needed if, indeed, we get into any kind of legislative action. I think at this time it would be very unwise for the City to let him go.

But I'd like to point out something in addition to that. I have a house for sale. My house is not moving, houses are not moving --

The Chair:

Point of order, Michelle. We're really not voting on whether Mr. McDermott is going to remain on the payroll or not. --

Michelle Madoff:

Mr. President, I realize that I am female and other members were allowed to speak. I just want my right to be able to speak.

The Chair:

The issue that was raised by Councilman Robinson was that the man can no longer be employed by the City of Pittsburgh. He's well beyond the six month period. Mr. Flaherty asked for an opinion from the City Solicitor.

Michelle Madoff:

May I address that issue, Mr. President, or are you going to discriminate against women as usual?

The Chair:

What does selling your house have to do with Mr. McDermott?

Michelle Madoff:

I will get to the point if you are

patient and not rude as you usually are.

The Chair:

You're being rude. You're completely out of order.

Michelle Madoff:

Did you get another letter from my attorney? You've had two now. Do you want a third?

The Chair:

Sue me 54 times.

Michelle Madoff:

May I finish what I started, Mr. President?

The Chair:

You're out of order, Michelle.

Michelle Madoff:

I am not out of order.

The Chair:

You are out of order.

Michelle Madoff:

I am addressing the issue of the six month stay. If our City can see to it that people who cannot pay their mortgages get exceptions, and well they should, we know that is going on. I don't see how you can discriminate against one person who also cannot sell his house.

Wasn't that simpler than your screaming?

The Chair:

I don't see what the relevance is

at all.

Michelle Madoff:

You wouldn't. It would take a brain.

Mr. Pellegrini:

Unless this resolution is enacted, Mr. McDermott will have to be terminated. There is nothing improper about the introduction of the resolution.

Mr. Givens:

A bill has been introduced only. We will debate and discuss that particular bill this coming Wednesday. All this dialogue that we're having right now, we should have on every bill that we introduce. And that's not so. I don't think it's upon this Council or any member of this Council to stop a bill from being introduced into this Council so it can be debated. I can't see any questions about the bill not being legal.

Mr. Flaherty:

I have a question for the Solicitor. Under what authority is Mr. McDermott on the City payroll as of today?

Mr. Pellegrini:

None.

Mr. Flaherty:

Should he be on the City payroll?

Mr. Pellegrini:

My understanding is that there was an error in the transmission of some documents. He should not be on the City payroll today.

Mr. Flaherty:

Are you aware of anyone in the Administration that is going to correct the error?

Mr. Pellegrini:

My understanding is that this resolution today would correct that. First of all, it would make no sense with the resolution in, we'll find out by next Monday whether it's successful or not to terminate Mr. McDermott. If this resolution does not pass extending his time, he will be terminated. There's no other way.

Mr. Givens:

Just one thing, Mr. President. This is in my particular committee and the fact that I knew about a week or so ago that Mr. McDermott, I asked him to write me a letter to this Council, addressed to Council, of some of the problems he was having in selling that house, etc. I think we're all human beings in here and we know there's problems out there in the real estate market. When that letter was not forthcoming, I brought in the discussion before the whole body of this Council so it didn't drag on for another five or six months with none of us even knowing about it. So, I did do what was proper. The only thing that I ask right now is that we have a bill before us and this coming Wednesday we will discuss that bill.

Mr. Robinson:

Point of order. Point of order. Both Mr. Givens and Mr. Pellegrini, I believe, are incorrect. There is a procedure, and I'm sure Mr. Pellegrini is very much aware of that, to introduce legislation into this body. And I think Mr. Pellegrini would agree that you don't

introduce legislation in opposition to the rules.

My point is that if the rules prohibit the introduction of this legislation, then you can't even introduce it, Mr. Givens, and it has nothing to do with your prerogative as a member of Council to introduce legislation. We're talking about a specific piece of legislation.

Once more, we set a time limit on Mr. McDermott. Read back through the records and review the legislation. The day the six months ended, Mr. McDermott's employment with the City ended. It's not in question today whether or not Mr. McDermott is an employee. Mr. McDermott is not an employee. And if Mr. McDermott has been paid beyond the six month period, Mr. McDermott owes to the City of Pittsburgh whatever monies he has received.

If we proceed to try to consider this legislation today, I believe we're in violation of our own rules. It has nothing to do with the merits of Mr. McDermott's situation. We, as the Council of this City, passed a resolution very specifically saying under what circumstances we wanted Pauld McDermott hired. Those circumstances no longer exist. Mr. McDermott is not an employee of the City of Pittsburgh and if you introduce legislation, it would seem to me you would have to introduce legislation to get us to waive the residency requirements again, and until we waive them, he is not an employee of the City of Pittsburgh. And I would hope that Mr. Pellegrini would advise Mr. McDermott to terminate his employment just as soon as possible until we can determine how much money is owed to us, until we can determine, in fact, if Mr. McDermott has been jeopardized by someone in the Administration not informing him that he had six months.

One comment on Mrs. Madoff's concern about his expertise. Mr. McDermott can be hired by the City of Pittsburgh as a consultant. And I'm sure there is someone else in the United States of America, or maybe in this City, that can help us with the very specific things he's doing. So, if we want Mr. McDermott's expertise, hire him as a consultant. Mr. McDermott is not an employee of the City of Pittsburgh and I would hope that this Council would not continue him and not continue this discussion because it strains the whole issue of whether or not non-residents of this City should be employed in the City of Pittsburgh. He had a specific waiver. The time is up. That's it.

The Chair:

One more comment then we're going to go on.

Mr. Pellegrini, can Mr. Givens introduce the legislation? Mr. Robinson feels he can't.

Mr. Pellegrini:

Mr. Givens can introduce the legislation.

Mr. Robinson:

Point of order.

Mr. Pellegrini:

Let me explain. Let me finish. What you're talking about is that you can't introduce the same piece of legislation twice in a Council session. Once it's defeated it cannot be raised again. You can always amend or introduce a piece of legislation amending legislation. This Council does it every week by increasing the amounts in a piece of legislation, raising it from \$345,000 to \$445,000 on a Public Works

contract. You're allowed to amend this piece of legislation.

Mr. Flaherty:

Mr. Pellegrini, the point that Councilman Robinson is making is that this legislation is air-tight illogical because Mr. McDermott legally should not be on the payroll so how can we give him an extension. You yourself said he shouldn't be on the payroll so how can we say we are going to extend your tenure with the City when it's a simple fact that I think we all agree on that he shouldn't even be on the payroll. It's illogical.

Mr. Pellegrini:

Mr. McDermott has not been formally terminated off the payroll. There is a formal action of termination. So, he's still on the payroll and it's within the discretion of Council to grant the extension.

We have police officers that we had to go through a whole Civil Service Commission hearing, we knew that lived outside the City and we had to go through that proceeding. Until he's formally terminated, he's still on the payroll. If you're thinking that there's a hiatus, there isn't. But there is nothing illegal about passing this legislation.

Mr. Stone:

Mr. President, if I may. I've been quoted as being opposed to the waiver when it first came in and that is true. Since I have been on this Council, I've never voted for a non-City resident to work in a City position. In addition to that, I've never voted for a waiver in this City of Pittsburgh and that record will stay unblemished so long as I'm on this Council. But in fairness to the issue before us, as the Solicitor has indicated, Mr. McDermott is still on the payroll and

if that is to be corrected, the motion that Mr. Givens is making is a proper one because it is saying you continue it from where it left off. That's the proper kind of motion if you want to extend it past that time. I would have hoped, however, that that motion would have come before the other one expired, which would probably have been more sensible. It's not that way, but the motion he's introducing, I personally don't see it as a contradiction. I see it as an attempt, if you agree with it, and as I indicated, I'm telling everybody in advance that I will not agree with it.

As far as the order is concerned, what that motion is saying is he's still there even though maybe he should have been terminated and in order to clean up the record, so to speak, we're seeing it continue. Therefore, you cover the period from when the six months was over to the time that this comes through for approval and, if granted, would give the extension period. In that sense, I think it can be introduced.

The Chair:

As far as I'm concerned, I think most members of Council should be satisfied in regard to the answer of the City Solicitor. You may not agree with it, but Mr. Givens will have the right to introduce that legislation on Wednesday.

Mr. Flaherty:

Point of order. Could we have a roll call on the motion to waive Rule 8?

Mr. Woods:

Tom, what you're asking then is instead of discussing this issue on Wednesday you want to wait to weeks to discuss it? In other words, he'll stay on the payroll longer. Is that what you're asking?

Mr. Flaherty:

You know he's going to stay on the payroll.

Mr. Woods:

You want to discuss it in two weeks then?

Mr. Flaherty:

Could we just have a roll call vote? I'll explain my reasons.

Michelle Madoff:

I don't know what we're voting on. Are we voting to have it this Wednesday instead of two weeks Wednesday?

Mr. Flaherty:

Right.

Michelle Madoff:

You don't want it this Wednesday?

Mr. Flaherty:

I'm going to explain myself, Michelle, if you'll let me.

Michelle Madoff:

I just want to make sure I understood what we were voting on.

Mr. Flaherty:

I vote no and the reason why I am opposing this is because I think that a longer period of time will allow the Administration to show a good faith effort to the moral of the rank and file workers in this City, all of them, that they are not playing a very blatant, preferential, elitist game with them

because the only time that there is ever a waiver on any City employees' residency requirement is when the Mayor calls over to members of City Council. And I think it's about time this Council show all four thousand employees in this City that we hold them all with the same respect and the dignity regardless of who is bringing pressure on us.

Mr. Givens:

I vote aye and my reasons are very obvious. I think those same employees that Mr. Flaherty is talking about are wanting to see this thing resolved very quickly. And I think it should be resolved as quickly as possible. Delaying it just means that he's going to be in a limbo type situation. I think this Council should bite the bullet and vote it up or vote it down.

Mr. O'Malley:

I vote yes and I'd just like to state that if there is a problem with Mr. McDermott's residency that we should clear it up as soon as possible.

Mr. Robinson:

I vote no to waive Rule 8 and I'd just like to give a quick explanation of why. It seems to me that the initial controversy surrounding Mr. McDermott's waiver was lengthy and was very involved. The controversy surrounding the extension was very lengthy and involved. To rush through this now not only jeopardizes Mr. McDermott but it jeopardizes other persons who we might have to consider for waivers in the future. I vote no on waiving Rule 8.

Mr. Stone:

I'm at a loss to understand how you can object to man being continued

and then hold it so he stays on longer. In order to be somewhat consistent, I vote yes on this motion only.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES 2

(MR. FLAHERTY AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

No. 2643 An Ordinance providing for the notification of plant closings, reductions or relocations.

Mr. Givens:

If I might, on the introduction of the plant closing notification I have one or two comments. This Wednesday, I'll be asking —

Mr. Robinson:

Point of order. I believe the rules specify that bills that are introduced on Monday cannot be discussed any sooner than the succeeding Wednesday.

Mr. Givens:

I have to beg Mr. Robinson's comment right there. We've just been discussing a bill that was just introduced here and I would like to make my comments if I might.

Mr. Robinson:

Point of order.

The Chair:

Mr. Givens, Mr. Robinson is right but we did make an exception a while ago. Why don't we just edit it and on Wednesday we'll discuss the bill. We're going to get into a long debate today when we're really going to do our work on Wednesday.

Mr. Givens:

I had no debate. I just felt that what's going to happen with this, hopefully, will be cooperation between business —

Mr. Robinson:

Point of order.

The Chair:

Mr. Givens, we'll discuss it in Committee on Wednesday.

Mr. Givens:

Thank you, Mr. President.

Also,

No. 2644 Resolution providing for the issuance of a warrant in favor of Conn Construction Company, in the amount of \$2,886.80 in payment for extra work furnished for the benefit of the City in connection with the

Rehabilitation of the Mission Street Bridge; and providing for the payment thereof. Funds are available in Code Account PW 78-14, 4-01-05-0460-78, Emergency Repairs - Bridges.

Also,

No. 2645 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of \$3,558.48, in payment for extra work furnished for the benefit of the City in connection with the Rehabilitation of the Larimer Avenue Bridge over Washington Boulevard; and providing for the payment thereof. Funds are available in Code Account PW 78-14, 4-01-05-0460-78, Emergency Repairs - Bridges.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2646 Resolution granting unto Rohrich Cadillac, Inc., their successors and assigns, the right and privilege to construct, maintain and use at their own cost and expense two (2) Bay Windows to the existing structure along West Liberty Avenue at 2116 West Liberty Avenue in the 19th Ward, City of Pittsburgh.

Also,

No. 2647 Communication from Louis R. Gaetano, Director, Department of Public Works requesting interim approval for Lawrence E. Staab, TV Coordinator, and Warren Carter, TV Program Development Specialist, Department of Public Works, Bureau of Cable Communications to attend the International Television Association's 15th Annual Conference to be held in Toronto, Ontario, May 8-11, 1983. Total cost not to exceed \$2,000.00 funds

available from the Department of Public Works, Bureau of Cable Communications, Code Account 1661, Misc. Services, Supplies, Repairs, Materials and Equipment.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2648 Communication from Richard M. Cosentino, Director, Department of Water requesting interim approval for payment for saw blades purchased for use in the Department of Water, at a cost not to exceed \$650.00, payable from Code Account 1706, Equipment.

Also,

No. 2649 Communication from Richard M. Cosentino, Director, Department of Water requesting permission to have five Water Treatment Plant personnel attend a Water Works Operator Seminar at the West View Water Company Treatment Plant at Neville Island on March 7, 1983, at a cost not to exceed \$250.00, payable from Code Account 1701.

Which were read and referred to the Committee on Water.

Mr. O'Malley presented

No. 2650 Resolution providing for the issuance of a warrant in favor of A-Action Rental, Inc., in the amount of \$773.44 in payment for the purchase and rental of materials needed to restore the Police River Patrol Barge, chargeable to and payable from Code Account 1447, Misc. Services, Department of Police.

Which was read and referred to the Committee on Finance.

Mr. Robinson presented

No. 2651 Resolution designating and encumbering three thousand dollars (\$3,000.00) in Parks and Recreation, Code Account 1838 for the Homewood-Brushton Athletic Association and to enter into an Agreement with the Homewood-Brushton Athletic Association.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2652 Communication from Robert H. Lurcott, Director, Department of City Planning requesting permission for Paul Farmer to participate in the National League of Cities Conference in Washington, D.C. on March 5, 1983, at a cost not to exceed \$300.00, payable from Code Account 1103.

Also,

No. 2653 Communication from Robert H. Lurcott, Director, Department of City Planning requesting permission for himself to attend a meeting with HUD and other federal officials in Washington, D.C. on March 18, 1983, at a cost not to exceed \$300.00, payable from Code Account 1103.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2654 Resolution authorizing an Emergency Jobs Program; authorizing the City Controller to create a Special Trust Fund entitled "Emergency Jobs Program Trust Fund" (EJPTF); authorizing the transfer into the Emergency Jobs Program Trust Fund of one million, seven hundred fifty thousand

dollars (\$1,750,000.00) from the Department of Personnel Code Account 1100-1 Transfer to Emergency Jobs Program Trust Fund; authorizing the Director of the Department of Personnel and Civil Service to make all legitimate expenditures from the Emergency Jobs Program Trust Fund for the purpose of employing unemployed heads of households in the City of Pittsburgh; and authorizing the Mayor and the Director of the Department of Personnel and Civil Service to enter into an Agreement or Agreements with the Pittsburgh Clean City Committee, at a cost not to exceed \$1,100,000.00, payable from Emergency Jobs Program Trust Fund.

Also,

No. 2655 Resolution amending Res. No. 1383 of 1982 making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh for the fiscal year beginning January 1, 1983, by increasing the revenue estimate for the Deed Transfer Tax to six million three hundred and eighty thousand dollars (\$6,380,000.00) and by creating Code Account No. 1100-1 entitled "Transfer of Emergency Job Program Trust Fund", within the Department of Personnel.

Which were read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills was introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 2656 Resolution providing for an Agreement or Agreements with Touche-Ross and Company for professional services in connection with an interim check writing and revenue accounting system and a new computer-based financial information and reporting system for the Controller's Office, and providing for the payment of the cost not to exceed \$48,500.00.

Also,

No. 2657 Communication from Dante Pellegrini, City Solicitor, submitting settlement of claims not exceeding \$750.00 for the Fourth Quarter of 1982, payable from Code Account 1081, Petty Claims, also settlements of claims in excess of \$750.00 for the Fourth Quarter of 1982, payable from Code Account No. 46, Judgments.

Which were read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

Bill No. 2572 Resolution approving the appointment of Wallace Merrell of 511 Clemeshaw Avenue to the Board of Code Review for a term to expire December 31, 1985.

Mr. Stone moved to approve the appointment.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

I abstain for the reason that I am not on any board or commission appointed by the Mayor.

Mr. Perry:

We also have a subpoena issued to the Reverend James Simms to attend this meeting at 2:00.

The Chair:

Is Mr. Simms here?

Mr. Pellegrini:

He's available, Mr. DePasquale.

The Chair:

Reverend Simms, if you would please come up front.

Mr. Robinson:

Mr. President, point of clarification and procedure. Perhaps the Parliamentarian and/or Mr. Pellegrini can indicate whether or not Reverend Simms has to be sworn before he presents his material.

Mr. Pellegrini:

There's no necessity that he be sworn.

Mr. Robinson:

Why not?

Mr. Pellegrini:

If you want him sworn you can, but there's no necessity.

Mr. Robinson:

Why not? Why isn't there any necessity?

The Chair:

I don't think anybody has the

authority to swear him in.

Mr. Robinson:

If we have the authority to issue a subpoena we also have the authority to swear people in. Don't talk to me like I'm crazy. I know that.

Mr. Stone:

He said if you want it, go ahead.

Mr. Robinson:

The President has said that we don't have the authority. Where do you interpret that, Mr. President, that we don't have the authority to swear people in?

The Chair:

I didn't know we were a court of law but you seem to think we are.

Mr. Robinson:

We have the power to investigate and the power to subpoena.

Mr. Pellegrini:

You have the power to subpoena and if you would want him to take the testimony under oath, I think an oath could be arranged. I don't have the language but I think we could find it some here. But I don't think there's any necessity for it. If you want it, it could be done.

Mr. Robinson:

Again, Danny. Why isn't there any necessity?

Mr. Pellegrini:

There is never a requirement that

when you give testimony that it be sworn. If you'd like to have it sworn, it can be. There's a lot of administrative hearings where the testimony isn't sworn.

The Chair:

Mr. Pellegrini, in the interest of saving time, could we ask Mr. Simms to be sworn to tell the truth, the whole truth, and nothing but the truth? I think it's as simple as that.

Mr. Robinson:

Mr. President, perhaps you, as one of the persons who signed the subpoena and as President of this Council, and presiding officer, should swear Reverend Simms.

The Chair:

Reverend Simms, would you raise your right hand, please?

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Reverend Simms:

I do.

The Chair:

Thank you, Reverend Simms.

Mr. Simms, you've been subpoenaed here to answer certain questions by Councilman Robinson that he says in the past you refused to answer. We'll have Mr. Robinson ask those questions again and I would presume you would answer them.

Mr. Robinson:

Mr. President, point of order. I know it's not going to make any

difference if I say this but I'll say it anyway. Councilman Robinson is a member of this body, Councilman Robinson only acts as a member of this body, and it would not be proper for you to suggest that Councilman Robinson is the only one who has any questions of Reverend Simms. This total body had an opportunity to vote on the subpoena. This body subpoenaed Reverend Simms. Councilman Robinson introduced the legislation. I think the record should reflect that, Mr. President, so that everyone understands the seriousness —

The Chair:

If you want to get technical, there was a majority vote --

Mr. Robinson:

I'm not getting technical. I'm trying to follow the procedures, Mr. President.

The Chair:

I'm trying to follow procedure to. There was a majority vote, I voted negatively, yet I signed that order and now you are the one who requested the questions. We're asking you to ask Mr. Simms the questions.

Mr. Robinson:

I don't think you can presume, Mr. President, that there's no one else on this Council that might have questions.

The Chair:

If anybody else has questions they'll be free to ask them. I thought I'd give you the courtesy since you were the one who initiated this.

Mr. Robinson:

If you're giving me the courtesy then give me the courtesy as a member of this Council.

The Chair:

I will do that.

Mr. Robinson:

Thank you very much, Mr. President.

The Chair:

Is there anybody on this Council, other than Mr. Robinson, who wants to ask Mr. Simms any questions?

Mr. Stone:

Let him proceed first to find out where we're going.

Mr. Robinson:

Reverend Simms, there are some specific documents that were requested in the subpoena. Do you have those documents?

Reverend Simms:

In response to the documents requested in the subpoena, those documents do not exist, Mr. Robinson.

Mr. Robinson:

Okay. Let me ask that question another way, and this is simply for point of clarification. The subpoena specifically requested the Minority Business Development plans, program and procedures for and in relation to the sale or transfer of Parcel A, City of Pittsburgh. Do you have those documents?

Reverend Simms:

Those documents do not exist.

Mr. Robinson:

Okay. Question two was all documents pertaining to the transfer of Parcel A, City of Pittsburgh, to 500 Grant Street Associates. Do you have those documents?

Reverend Simms:

Those documents do not exist.

Mr. Robinson:

Question three, all documents pertaining to the Minority Business Development proposals and programs of 500 Grant Street Associates. Do you have those documents?

Reverend Simms:

Those documents do not exist.

Mr. Robinson:

One other question on this matter. Are you aware of any agreements, arrangements that were made relative to Minority Business Participation in the Grant Street Project?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Do you have any of those documents?

Reverend Simms:

In response to the questions listed in the subpoena, and on the advice of the

City Solicitor, the documents asked for in the subpoena, as I indicated, do not exist. Materials relevant to the development of the project, there is information regarding the development of the project, Minority Business Participation, and other relevant information on that. The question is, one, as to whether or not, given the restrictions of the subpoena, do we have those documents, and the answer, as I said to the first few of the questions, Councilman, has -- those do not exist, but there is additional information related to the project, not to those specific areas of request.

Mr. Robinson:

You indicated that the City Solicitor advised you?

Reverend Simms:

That's correct.

Mr. Robinson:

Did he advise relative to the subpoenas or relative to the documents?

Reverend Simms:

To every item listed in the subpoena.

Mr. Robinson:

Did the City Solicitor advise you relative to whether or not you should obey the subpoena?

Reverend Simms:

Yes, he did.

Mr. Robinson:

Okay. Are you aware of the City Solicitor's written opinion relative to the

subpoenas?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Okay. You're fully familiar with it?

Reverend Simms:

I am aware of it, yes.

Mr. Robinson:

Okay. On the last page, and let me read this to you, and if it's familiar, just please say it is. "Reverend Simms has informed me -- "and this is Mr. Pellegrini, I assume, writing it. His name is signed to this document. "Reverend Simms has informed me that he would be happy to forward to Councilman Robinson all information requested, and Director Brown informed me she would ask the Human Relations Commission to break out M.B.E. participation at the Zoo once the subpoena issue is resolved." Is that your understanding of at least what you would do, can do, will do?

Reverend Simms:

That's correct.

Mr. Robinson:

The opinion made some references to your understanding of my original request of you for information on Minority Business Development. Let me read this to you again. This is on the front page of the opinion. The record should reflect that Council received this opinion this morning from Mr. Pellegrini, just this morning from Mr. Pellegrini. It reads, "When Councilman Robinson

pursued this legalistic mechanism for obtaining information, it forced those individuals under subpoena to respond only in accord with the strict mandates of the subpoena. It's unfortunate that such an approach must be followed, but since a subpoena is a narrow, technical document when it requests information, it requires a narrow, technical approach on those to whom subpoenas were issued." Did Mr. Pellegrini discuss with you the subpoenas prior to today?

Reverend Simms:

Yes, he did.

Mr. Robinson:

Did he discuss with you his interpretation of the subpoena?

Reverend Simms:

Yes, he did.

Mr. Robinson:

Is it your understanding that this legalistic approach is unfortunate?

Reverend Simms:

Yes, it is.

Mr. Robinson:

If it's unfortunate, why do you think it's unfortunate?

Reverend Simms:

In my opinion, I think that there are other ways, other channels of communication that we have at our disposal to achieve what I consider to be the same result.

Mr. Robinson:

In specific reference to the issues raised in the subpoena, did you or did you not in this Council Chamber about three or four weeks ago indicate that you would bring back to us in two weeks information on 500 Grant Street Associates and Parcel A?

Reverend Simms:

That's correct.

Mr. Robinson:

Did you bring that information back to this Council?

Reverend Simms:

I sent it to you.

Mr. Robinson:

Did you bring that information back to this Council?

Reverend Simms:

The request was to get the information back.

Mr. Robinson:

Did you bring the information back to this Council?

Reverend Simms:

I sent the information to you.

Mr. Robinson:

You did not bring it back to this Council.

Reverend Simms:

I sent it to you.

Mr. Robinson:

You did not bring it back to this Council.

The Chair:

I think it's clear he sent it to you, Mr. Robinson.

Mr. Robinson:

Okay. The request of Reverend Simms was made by this Council, not by Councilman Robinson. The information was not forwarded to this Council, and I don't believe there's anybody on this Council that received a copy of it, so no one on this Council knows what you sent to the meeting. I did receive something from you.

Reverend Simms:

The question that you asked of me, in order to respond to it at the time that I was asked them, I had asked the City Clerk to please forward to me the record of Council for that day so that we could adequately address the question asked. It was from the record of Council that my response to you was made, and that response from the record of Council was sent to you.

Mr. Robinson:

Okay, I have a couple of other questions, if I might. You indicated you alluded to the fact there was some other ways by which the information could be gained. To some extent, since you said this information doesn't exist, I have some serious problems with you originally saying that you could bring it back here in two weeks. Did you get the information to me within a two-week period?

Reverend Simms:

I'm not quite sure of the exact dates, Councilman.

Mr. Robinson:

I think the record should reflect that you did not get it back to me within two weeks. The City Clerk contacted you on several occasions, but I will stand by the date on the memorandum that you sent to me. I believe it was beyond the two-week period. Again you alluded to voluntary methods. It's my understanding --

Reverend Simms:

I think other methods.

Mr. Robinson:

Other methods. Let me talk about the volunteer methods. It was my understanding that both you and Mr. Pellegrini would be in contact with our boards and authorities relative to forwarding information voluntarily to this Council on their Minority Business Enterprise Program. Has that been done?

Reverend Simms:

Would you repeat that question? I'm not sure what you're asking.

Mr. Robinson:

It's my understanding that you and Mr. Pellegrini, our City Solicitor, were going to work on trying to get the boards and authorities of the City of Pittsburgh to voluntarily forward information to this Council relative to Minority Business Participation, and I'd like to know, have you and Mr. Pellegrini accomplished that goal? Have you started that task, rather?

Reverend Simms:

Since we're speaking under oath here, Councilman Robinson, I want to be certain that I understand whether or not you're talking about a formal request made of the Solicitor and myself, or are we talking about the ongoing process of the M.B.E. Program of the City. Is this a formal request that you're talking about?

Mr. Robinson:

At a Wednesday session both you and Mr. Pellegrini, along with several of my colleagues, Mr. Stone, Mr. DePasquale, I believe Mr. O'Malley, suggested that we could get this information voluntarily; and I indicated that I was more than willing to go along with that procedure if you and Mr. Pellegrini agreed. It was my understanding, Reverend, that you had agreed.

Reverend Simms:

Fine.

Mr. Robinson:

Is my understanding correct?

Reverend Simms:

As a part of the ongoing efforts to gather information and to make sure that it has gotten to the proper people on time, we have ongoing discussions and ongoing important mechanisms involved with the authorities and other departments where applicable, and that material should be coming to you in a timely fashion, an ongoing method. It shouldn't be anything that would be sporadic or hit and miss. It should be coming in a timely manner to you.

Mr. Robinson:

Okay. On the front page again of the legal opinion Mr. Pellegrini makes reference to the fact that I was knowledgeable of certain information and refused to accept it, and let me read to you what he said. "Both Reverend Simms and Director Brown are perplexed by the issuance of these subpoenas. They believe they had complied with the specific request for information received from Councilman Robinson for which he requested Council issue subpoenas. As explained to him, other information he requested either did not exist or the request was so nebulous that they were unable to respond."

Let me say for the record that that is a lie, and I use that word with a great deal of compassion for your official position as a minister, and I would assume that Mr. Pellegrini would stand responsible for the words here written, but if the suggestion is that someone told me that certain information did not exist, that is a lie. Again, I am taking very serious this Minority Business Enterprise Program. The first time that I learned that this information did not exist is when you, Reverend Simms, under oath said it did not exist, and I certainly respect your position and your integrity. If it does not exist, it does not exist; and I have been trying to find out for some time whether it exists, and I appreciate the fact that you finally said it does not exist, but the record should reflect that perhaps Mr. Pellegrini in his aggressiveness is suggesting something about my integrity that I certainly don't appreciate, because there's no evidence that Councilman Robinson has ever been told this information does not exist. I do have a communication from Mrs. Brown which says -- and I'll deal with this on Wednesday -- which says her board, the Zoological Parks Commission, has no

responsibility in the area of Minority Business Development. I'll deal with that on Wednesday. I just thought the record should reflect that, and I'm a little concerned about this opinion going beyond the realms of legal issues and perhaps some personalities issues, and I would hope that both the City Solicitor and I would refrain from anything of that regard.

Just a couple of other comments, Reverend. Mr. Pellegrini's opinion also says, and I continue, "They considered the matter settled. I have, however, informed both of them that, no matter how chagrined they may be, they are compelled to follow the strict mandates of the subpoena." When Mr. Pellegrini was advising you relative to these subpoenas, in what capacity was he advising you?

Reverend Simms:

As City Solicitor.

Mr. Robinson:

And is it your understanding that he was authorized to advise you pursuant to these subpoenas?

Reverend Simms:

"On a subpoena which I would consider to be a legal document, yes."

Mr. Robinson:

Did you ever think that perhaps you should hire your own outside legal counsel?

Reverend Simms:

No.

Mr. Robinson:

You didn't feel that was appropriate?

Reverend Simms:

I didn't think it was necessary.

Mr. Robinson:

For what reason?

Reverend Simms:

I represent the City, and Mr. Pellegrini is City Solicitor.

Mr. Robinson:

Well, who does Mr. Pellegrini represent?

Reverend Simms:

I would suspect the interest of the City of Pittsburgh.

Michelle Madoff:

The Administration.

Mr. Robinson:

The reason I raised this question is, Mr. Pellegrini advised you, but he didn't advise me, or at least he didn't advise me on this aspect of the subpoenas, so I'm concerned. Mr. Pellegrini -- and let me read this to you, Reverend. It's on the front page again of this legal opinion. "A subpoena directed to Reverend James Simms, Assistant Executive Secretary to the Mayor, compelling him to attend a session of Council on March 7 at 2:00 p.m. as well as another subpoena directed to Louise Brown, Director, Department of Parks and Recreation to appear before a Council session on March 9, 1983 have

been forwarded to me for review." Did you forward this subpoena to Mr. Pellegrini?

Reverend Simms:

No, I did not.

Mr. Robinson:

Do you know who forwarded it to him?

Reverend Simms:

No, I do not.

Mr. Robinson:

Did you contact Mr. Pellegrini?

Reverend Simms:

Yes, I did.

Mr. Robinson:

Perhaps I'll have some questions for him later on. He has here, "forwarded to me for review," because this Council did not ask Mr. Pellegrini to review anything, and the record should reflect that. Also, Mr. Pellegrini was requested to send to this Council documentation relative to how a subpoena should be issued. Mr. Pellegrini sent that information, and Councilman Robinson prepared his subpoena in accordance with what Mr. Pellegrini told him to do. Now, Mr. Pellegrini is telling me that there's something wrong with the subpoena. I got a lot of problems with that, because if Mr. Pellegrini is representing the best interest of the City of Pittsburgh, he should have talked to somebody on this Council. Are you aware, Reverend, of anyone on this Council that Mr. Pellegrini talked to about your subpoena?

Reverend Simms:

The response that I made to the earlier question as to whether or not the documentation that you asked for did or did not exist speaks to the point that you're raising, which again is a technical matter about the information asked for in the subpoena, and that is really the issue of whether or not the information that you asked for in Parcel A, City of Pittsburgh and Grant Street Associates exists, and that is the question that was raised to Mr. Pellegrini. How can we respond to, how can I, anyway, adequately respond to the questions that were asked of me? When, again, dealing with the legal, technical document, we'd have to respond within those restrictions.

Mr. Robinson:

Okay. Are you aware that Mr. Pellegrini has taken it upon himself to suggest that we rescind the subpoenas to both you and Mrs. Brown?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Are you aware that Mr. Pellegrini has attached to his opinion some letters relative to this total issue?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Are you aware that he's already drafted up the proposed resolutions to rescind the subpoenas?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Are you aware that he has taken it upon himself to draft up some subpoenas that he thinks would be more appropriate?

Reverend Simms:

Yes, I am.

Mr. Robinson:

Did you discuss these matters with Mr. Pellegrini?

Reverend Simms:

Yes, I have.

Mr. Robinson:

And you agree with that approach?

Reverend Simms:

Yes, I do.

Mr. Robinson:

Could you tell us why you decided to obey the subpoena?

Reverend Simms:

The opinion and the advice that I had in talking with legal counsel is that Council does have the authority to issue the subpoena, even though there is some question about the technical nature of it and the content of it, the information asked, but at the same time, I think out of respect for Council and out of respect for the deliberations of this body, I'm here.

Mr. Robinson:

Just one other area of concern, if

I might, Mr. President. Reverend Simms has indicated that the material that Mr. Pellegrini forwarded to us does represent some collaboration in that he accepts the notion that there's other ways to get the information; and correct me, Reverend Simms, if I'm wrong I'm not trying to speak for you. If, indeed, we accept the opinion and the attached documents as being true and we take what Reverend Simms has said as true, then we have a small inconsistency. It would be impossible for Reverend Simms to produce the material requested by voluntary means or any other means if the documents don't exist, and Reverend Simms has said they don't exist. Mr. Pellegrini and Reverend Simms have said they'd be more than happy to supply Councilman Robinson with this information by some other means.

The point I'm trying to make raise is that the documents either exist or they don't exist, and either we can get them or we can't, and either Councilman Robinson can get them or he can't. I don't believe that they can have it both ways. I will accept Reverend Simms's sworn statement that the documents that I requested in this subpoena do not exist; and I will respect him for that, and I have no further questions for him.

Mr. O'Malley:

First of all, Reverend Simms, I think myself, who voted in favor of the subpoena, owes you a personal apology. I certainly think you're an honorable man. I think there's a lot of double talk going on at this Council table today. It seems to me if I take this — it's going to take a few minutes on this here. The first piece of information that Councilman Robinson requested was the Minority Business Development plans programs, and procedures for and in relation to the sale or transfer of Parcel A, City of Pittsburgh.

Reverend Simms:

That's correct.

Mr. O'Malley:

Now, the answer I received from the Solicitor states that the City of Pittsburgh never owned Parcel A, so, obviously, what Councilman Robinson was asking for you couldn't produce.

Reverend Simms:

That's correct.

Mr. O'Malley:

Second part the subpoena that Councilman Robinson requests is that all documents pertaining to the transfer of Parcel A, City of Pittsburgh to 500 Grant Street Associates. Answer from the Solicitor. "In addition to the comments in relation to the first item above, Urban Redevelopment Authority never transferred Parcel A to 500 Grant Street Associates. Parcel A is still under the possession of the Port Authority." Obviously, you couldn't furnish that information.

Reverend Simms:

That's correct.

Mr. O'Malley:

Question three. Mr. Robinson requested the subpoena shall request all documents pertaining to Minority Business Development proposals and programs of 500 Grant Street Associates. Answer from our Solicitor. "No separate documents existed as to the Minority Business Development Program of 500 Grant Street. It assumes that the program was already in existence at the time United States Steel Corporation was the developer or previous developer

of the projects because," and I go on further to state what the Solicitor says. "Because the correct information was not requested from Council, the subpoena issued to Reverend Simms should be rescinded," which I agree with, and I apologize for issuing it or being part of it, "and a new subpoena issued requesting the following information," and I'm not going to bore everybody with the following information. It is my understanding that you will furnish this Council with the following information that is requested.

Reverend Simms:

That's correct.

Mr. O'Malley:

I stated before, I think it was a lot of double talk; and I stated at this Council table that prior to a Councilperson issuing a subpoena, and that we should convene a post agenda, that the Councilperson that requests information, the rest of us should be present to know if in actuality that information is available, which in this case seems like a waste of my time, certainly a waste of this Council's time, and a waste of the public's time asking for information issuing a subpoena that does not exist —

Mr. Robinson:

Point of personal privilege.

Mr. O'Malley:

I'm not finished.

Mr. Robinson:

Point of personal privilege.

Mr. O'Malley:

I'm making my statement, I feel --

Mr. Robinson:

Point of personal privilege.

The Chair:

What is your personal privilege?

Mr. Robinson:

My personal privilege is Mr. O'Malley has taken it upon himself to become very personal --

Mr. O'Malley:

I'm not making it personal.

Mr. Robinson:

You have, Mr. O'Malley. You are making a personal comment.

Mr. O'Malley:

You wasted my time and you wasted --

Mr. Robinson:

You are making a personal comment, and I don't appreciate it.

The Chair:

You're out of order, Mr. Robinson. You've been talking all the time on this Council today, and --

Mr. Robinson:

I have an opportunity to respond, Mr. President. The rules provide for that. I will not sit here and be insulted by Councilman O'Malley.

Mr. O'Malley:

Councilman O'Malley —

Mr. Robinson:

It is not necessary, Councilman.

Mr. O'Malley:

— is issuing a statement, and when he's finished, you can respond.

Mr. Robinson:

It is not necessary to insult anybody on this Council.

Mr. O'Malley:

Nobody's insulting you.

The Chair:

You're both out of order.

Mr. O'Malley:

I'm sorry you wasted my time.

Mr. Robinson:

I'm quite capable of making my own decisions.

The Chair:

If I may, I'm going to call this meeting to be adjourned.

Mr. Robinson:

I'm not going to be insulted by you, and any remarks that you make that are insulting —

The Chair:

Gentlemen, there is no sense going on with the meeting. Mr.

O'Malley, Mr. Robinson, you're both out of order. Mr. Simms, you've been asked here to give some information today and answer some questions. I heard you very emphatically, you did not have that information, you couldn't answer the question. As far I'm concerned, Mr. Simms, you're dismissed. Thank you.

Mr. O'Malley:

I'd just like to finish. I have one more statement, Mr. President.

The Chair:

You're beating a dead horse to death. The man said he doesn't have the information.

Reverend Simms:

Thank you very much.

The Chair:

Thank you.

Michelle Madoff:

Can we go on with business?

Mr. Robinson:

I have a point of personal privilege.

Michelle Madoff:

I'm sorry, Mr. Robinson.

The Chair:

You've made yourself clear.

Mr. Robinson:

I have a point of personal privilege.

The Chair:

What else are you going to say, Mr. Robinson? We'll listen to you.

Mr. Robinson:

I think at some point somebody on this Council, since the Chair refuses to do it, should take it upon himself to suggest that it is not necessary for any member of this Council to insult or to attempt to embarrass anybody to make an excuse for their own actions. Councilman O'Malley voted openly and honestly for that subpoena. Councilman O'Malley has been present at every public request that I have made for information, and for him to sit here and suggest things about me and my integrity, I will not stand for it, and I would hope that the Chair would admonish Councilman O'Malley and anyone else on this Council who feels they can make personal remarks about a colleague, as an excuse for their own ineptitude.

The Chair:

You have said on numerous occasions, Mr. Robinson, yourself, you have embarrassed and belittled Council members —

Mr. Robinson:

That is not true, Mr. President.

The Chair:

— and they never asked for an apology.

Mr. Robinson:

That is not true. Have I ever called anybody a name, Mr. President? Have I ever called any member on this Council out of their name? I suggest

that the Chair, that the Chair —

The Chair:

Do you feel there's an apology in order, Mr. O'Malley? Will you make the apology? If not, we'll move on.

Mr. O'Malley:

I stand by my statement that it was a waste of time issuing the subpoenas.

Mr. Flaherty:

Mr. President, I would just want to ask that, regardless of how trying, perhaps, that a member of Council is compelled to be in getting information, I would hope that all members of Council would show a little patience and respect the courtesies and initiative of other members of Council; and even though Councilman Robinson has been spending a lot of time to get his information, perhaps he is not receiving the answers to the questions adequately that he is answering.

Michelle Madoff:

And I would respectfully request that all members of Council remain for my resolution.

REPORTS OF COMMITTEES

Mr. Stone moved to suspend Rule 8 for all committees providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Woods seconded the motion.

Michelle Madoff:

Objection. Roll call vote. I'm objecting to getting the bills ten minutes before we come in here. I'm just objecting, Mike. You don't get the help you need..

Mr. Givens:

I vote aye because I've had the opportunity. We have these bills right in Council and we can go out and look at them any time we want.

Mr. O'Malley:

I vote aye because a lot of time the postage is a waste of time. Any one of us can walk twenty feet into the Clerk's Office and request the bills.

Mr. Robinson:

Point of information. Mike, which bills are those?

Mr. Perry:

These are the ones that were affirmed on Wednesday.

Mr. O'Malley:

So we've had them for what, ten days now?

Mr. Robinson:

Does this include 2437?

Mr. Perry:

Yes.

Mr. Robinson:

Point of information again. We haven't voted on 2437, correct?

The Chair:

We haven't voted. We have a waiver.

Mr. Robinson:

This is the amendment?

Mr. Stone:

If I may, Mr. President. All this is is waiving Rule 8 which requires 48 hours notice of every bill that is printed for you in this pack.

Mr. Robinson:

I'm going to have to vote no and my reason for voting no is that this Council requested through Mr. Buckley, our Budget Controller, information from Mr. Schillo and from the Mayor and Mr. Schmeiser relative to Council Bill 2437. Every member of Council received a copy of that memorandum. It was very specific in what it requested. It not only requested that the Treasurer and the Mayor and our Finance Director separate out the bills for us. That is, which bills are 1982 bills, which bills are 1983. We also asked him to verify that those bills should have been paid in 1982. We also requested that they give to us information that specifically tells us what the surplus was in 1982. As every member of this Council knows, the surplus has changed. It's gone from \$16 million to \$18 million and possibly could be \$25 million.

We also asked to have a determination made as to how the surplus was arrived at, what procedures were used. It's my understanding from Mr. Buckley that that information is not yet available to Council and I think to move forward on these bills or to make any amendments on them without getting the proper information from the Mayor's

Office, from the Treasurer and Finance Director, it's inappropriate. It is my understanding that this information will be available in two weeks. I think what we ought to do is hold Council Bill 2437 for two weeks.

We're talking about the monies of the people of the City of Pittsburgh and what's being done with their tax money.

The Chair:

Point of order, Mr. Robinson. Why don't you bring that up when we're voting on the bills. We're voting strictly on the amendment and the waiver now.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES 3

(MR. LAHERTY, MICHELLE MADOFF
AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Stone presented

Bill No. 2658

Report of the Committee on Finance for March 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2437

A Resolution entitled, "Resolution carrying over balances or portions thereof remaining in certain code accounts for the year 1982 to the same code accounts for the year 1983." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2553

A Resolution entitled, "Resolution amending and supplementing portions of Resolution No. 1383 of 1982, entitled, 'A Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the fiscal year, beginning January 1, 1983 and ending December 31, 1983, by correcting the appropriation amounts for various code accounts.'"

Which was read.

Also,

Bill No. 2554

A Resolution entitled, "Resolution amending and supplementing portions of Various Pages of Resolution No. 1384 of 1982, entitled, 'A Resolution fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof, and setting minimum levels for designated positions,'"

passed in Council on December 27, 1982."

Which was read.

Michelle Madoff:

Are these companion bills, Mr. Stone?

Mr. Stone:

Yes.

Michelle Madoff:

On these bills, Mr. Robinson, I suggest that we hold them because, as you stated, you made that request. I raised the issue initially saying how could we vote, we didn't know what it was. Fortunately, you jumped in and helped me with it. Now we're got a request in. Mr. Buckley has been unable to get the information and as you just stated, we have a memo saying that we will not have this information for two weeks, but Mr. O'Malley can go in and get it at any time, so when he gets it, I hope he'll share with the rest of his colleagues.

Mr. Robinson:

Point of information. Mr. Stone indicated that 2554 was a companion to 2437 —

Mr. Stone:

Hold on, Bill. Let me get them all for you. Bill Nos. 2437, 2553 and 2554.

The Chair:

They're all companion bills.

Mr. Robinson moved to recommit Bill Nos. 2437, 2553 and 2554.

Michelle Madoff seconded the motion.

Mr. Stone:

Mr. President, if I may. What is happening in these three bills is nothing more than we do every year. What we're trying to do is to keep those expenditures which were incurred in '82 in '82 so that you don't end up with an inflated surplus in '83 then spend the monies and find out you still have an account payable for '82.

It is in order. It's done every year and the problem I have with it now is that this thing has already dragged too long. We may be getting into a problem in passage. I would respectfully request my colleagues not to delay this matter and to move on it today.

Michelle Madoff:

I don't believe what I'm hearing here today. Everybody said they had the information, they studied, they knew what was happening. The information isn't available for two more weeks according to the Budget Office. I vote to recommit. I also want to point out the inconsistencies of this group.

Mr. Robinson:

I vote aye and I'd just like to give an explanation of why I'm voting aye. I think it was rather obvious last Wednesday that myself and several members of this Council did not have sufficient information to make an intelligent decision on Council Bills 2437, 2553 and 2554. Our budget staff, I think, went to some length to at least assure me that the kind of information I needed would be available by Monday. So as not to strain my own credibility, it seems that if the Administration can make an error in calculating the surplus for 1982, then certainly we can call into question the process they used, which we do not know and they have been unwilling to share with us, and we have not been very

diligent on this Council in trying to find out. And I lay that at the feet of Mr. Stone, our Finance Chairman.

I also think that since the surplus that the Administration found itself with in '82 has increased from \$16 million to approximately \$18 million and we still don't know the process that we should find out because maybe we have a lot more money in this City than we know about and maybe we can do some important things that have to be done and again, since the Administration will not provide us with that information, I lay that responsibility at the feet of our Finance Chairman, Mr. Stone, who introduced these bills and who has supported them.

The Chair:

Mr. Robinson, if I may. You're reiterating what you said just about five minutes ago.

Mr. Robinson:

I believe, Mr. Chairman, that the rules provide me with this opportunity.

The Chair:

You've already said it, but if you care to say it again.

Mr. Robinson:

I believe I am allowed to explain my motion.

Thirdly, it seems to me that when this Council is advised by its staff that it can secure information and make it available to you, then it's only prudent for us to wait for that information before we make such an important decision as the one we're about to make.

Also, we have no assurances that

the bills that are here listed are bills from 1982. We have no assurances that, in fact, bills from 1983 aren't included or that we have, in a sense, double billed. In other words, provided extra money. That is, instead of a bill being put in this budget or this document for \$50,000, in fact, there's \$100,000 in here. The budget surplus in the City of Pittsburgh for 1982 is probably in excess of \$20 million. And the fact that this Council and the Administration refuses to discuss the process they used, I think, strains our credibility and I would request that our Finance Chairman, Mr. Stone, seriously consider recommitting these bills until he could explain what process was used, until he could explain whether or not all these bills are 1982 bills and whether or not he could explain how much the surplus really is, because Mr. Stone is one of the people who assured this Council that we were supporting a bare bones budget in 1982 and we would be barely able to make it. And I saw this because it's on the record. \$16 million surplus. That's an error. That's a heck of an error. And if the same people who made that error put these bills together, then I certainly want to know what process they are using. And I think we're entitled to know that.

I think we also have to keep in mind that some years ago our Supplies Director indebted this City for \$800,000. And we had to go through the painstaking task and Mr. Stone was the one that led the charge to make sure that every single bill was a current bill and was in the year that it was supposed to be in and only paid for that year. And he indicated that if any bills were not for that year that this City would not honor them and he as Finance Chairman would not honor them. I'm asking Mr. Stone to again be as diligent. This is a very serious matter. And regardless of the politics involved, we're talking about the tax dollars of the people of the City of

Pittsburgh. Mr. Stone and the Mayor have announced a \$1.7 million jobs program. They're going to use money, they want to use money to —

The Chair:

Mr. Robinson, you are completely out of order.

Mr. Robinson:

I'm saying to you that if that money is added to the surplus and all the other money is added to the surplus, we're going to get some better idea of what amount of money is available in this City. And to rush these bills through and to pretend this is something we do every year, that this is a normal process, is simply not true. It is not true. It is not fair and this is not the way we should be dealing with the taxpayers' money. If we do not want to get the right information, then let us say that we do not care whether the Administration forwards it because in two weeks, if the information is not here, where are we going to be? Will Mr. Stone ask for that information? Will Mr. Stone demand that information? And what if that information reveals that our surplus was \$25 million. And what if it reveals that some of these bills are not due in 1982 but they're due in 1983?

The Chair:

Mr. Robinson, I believe you made your point. Are you finished?

Mr. Robinson:

I am not finished, Mr. President. I'm not finished on this issue. I will respect the Chair, but I am not finished on this issue. I am voting to recommit 2437, 2553 and 2554. Thank you, Mr. President.

Mr. Stone:

Mr. President, relative to this particular matter, whether anyone wants to believe it or not, it is the same process that's followed every year. Relative to these bills, there is no bill here that is an '83 bill, it's '82 bills. Proper accounting requires that instead of deflating your expenditures in '82 and inflating them in '83 so you can get comparables year to year, you must ascertain all of your '82 bills. And that's all this bill is designed to do. It's nothing new, nothing mysterious, nothing unusual, nothing unique. In fact, it's so ordinary it's probably been done this way for the last thirty years.

Relative to this bill, I vote against any recommitment.

The Chair:

Is there any further discussion on the recommitment?

And on the question, "Shall the recommitment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson

AYES 3

NOES 6

VOTING NO:

Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Is there any discussion on the bills themselves?

Mr. Robinson:

I'd like to know if our Finance Chairman has any indication as to when this Council can receive the information it requested or if he's aware of the information this Council requested.

Mr. Stone:

I've asked for all '82 bills and it's represented to me that these are all '82 bills and it will go then to the Controller's Office and, at that point, the Controller will bounce back everything that's not an '82 bill. And I don't see that there's any problems with it at all.

Mr. Robinson:

Is the Finance Chairman aware of the information that was requested of the Finance Department, the Mayor's Office and the Treasurer? The written request. Is the Finance Chairman aware of that?

Mr. Stone:

You're asking, then, for information?

Mr. Robinson:

It was my understanding, and perhaps the City Clerk has a copy of it. This is getting bizarre. Do you mean to tell me that this Council did not make an official request for the information I've been speaking about? Is that what I am led to believe? That there was no official request from this Council? If that's the case, I have a memorandum in my office that was officially typed and

sent. If that means the President of this Council and you as the Finance Chairman were unaware of it, then I am hard pressed to understand why it was prepared and why I was told the information would not be available for two weeks.

Mr. Stone:

Mr. Robinson, I'm at a loss to understand what you're all shook about.

Mr. Robinson:

I'm all shook up about the process, Mr. Stone.

Mr. Stone:

Alright. All I asked you, was there some definition to what you were saying. You explain it to me and we'll go from there. But you can't be vague and expect me to answer your question.

Mr. Robinson:

Would the City Clerk produce the memo?

If I might, Mr. President, I'd like to respond to Mr. Stone's concern because I would assume, from what he has said, he's unaware of this memo.

Mr. Stone:

I didn't say that. I'm trying to identify what you were talking about.

Mr. Robinson:

I said I assume that, Mr. Stone. That's why I asked for the memo. The memo is dated March 2, 1983 from Mr. Jack Buckley, Budget Controller, to Stephen Schillo, Deputy Director, City Treasurer, with copies to Richard S. Caliguiri, Mayor, Ronald C. Schmeiser,

Director, Department of Finance, and it reads:

The subject is a request for information concerning unencumbered carry-overs.

At the Finance Committee Meeting of March 2, 1983, a request was made from Council that your office provide names of the supplier of goods and/or services, dates, invoices, received by Departments and date paid, if applicable, to support the request carry-over amounts from various code accounts by Friday, March 4, 1983 at 12:00.

Also, you are requested to provide the exact amount of the 1982 surplus after the carry-over amounts and how you arrived at the amounts.

Your prompt reply will be greatly appreciated.

Michelle Madoff:

Mr. Robinson, would you care to share with this Council what Mr. Buckley told us today?

Mr. Robinson:

I would like to know if this was sent officially by the Council of the City of Pittsburgh and whether or not our Finance Chairman and our President were aware of it.

Mr. Stone:

That was a request you put in for some of you for information.

Mr. Robinson:

No, no. I didn't ask whether it was a request from some of us. I want to know if this is a request from Council.

Mr. Stone:

I didn't need any information.

Mr. Robinson:

I just want to know if this was a request from Council. Mr. President, was this a request from Council?

The Chair:

To the best of my knowledge, it apparently was your request.

Mr. Robinson:

Mr. Stone, was this a request from Council?

Mr. Stone:

We did not vote on it, Bill. That's what I'm trying to get across to you.

Mr. Robinson:

Okay. Then I think the record should reflect, and I hate to do this, but there are some staff people who talked to me about this matter. I don't want to embarrass them, but they gave me the impression that at least the information I wanted I should get, and that they were instructed to get it for me. I didn't get it. And I made it clear on Wednesday, openly and honestly, that I thought I ought to have the information before Monday and I was assured by the Chair on Wednesday that I would have it by Friday. Friday has come and gone. Saturday has come and gone. Sunday has come and gone. It is now Monday. And you mean to tell me that there are people on this Council who are unaware of this? It strains the credibility of this Council and if anybody is going to be led to believe that only Councilman Robinson wants to know about the budget and about the surplus, I'm not going to sit

here and allow that to occur in the face of this document. If we need to proceed further with this, maybe we need to call those staff people forward and ask them to divulge the names of the people who perpetrated what is evidently a hoax. I don't appreciate it as a member of this Council. I take the business of this City serious. And when I make a request, I make it in public and I make it very seriously.

The Chair:

Where's the hoax involved? I don't follow what you're talking about.

Mr. Robinson:

This document supposedly represents what Council wants, and it was written in that spirit. What Mr. Stone has suggested is he didn't need any information. I didn't understand that Mr. Stone was the only person on this Council to get information. It was my understanding we work as a body. And as our Finance Chairman, he could make requests for every last one of us. And when we make financial requests, we make it with an understanding from the Director of the Department and with the Chairman of that Committee.

The Chair:

Bill, you asked for the information, you got the information.

Mr. Robinson:

No, sir. The information is not here. The information won't be available for two weeks. And that is verbal. That's a verbal communication. I had to go and seek that information out. Mr. Stone didn't tell me. I had to go seek it out from the same staff person that wrote this memo.

Do we want to talk about who wrote this memo and why they wrote it and who instructed them to write it? We're talking about millions of dollars in the City of Pittsburgh and evidently someone feels they can just slide it on by without the appropriate information being available because we do it in a normal course of events. This is not the normal course of events, Mr. Stone, by any stretch of the imagination. This is not the normal course of events.

Michelle Madoff:

Mr. President, I was the one that originally brought this to Council's attention when the bill came up. I stated at that time, and I repeat, that we did not know how many months we were carrying over if indeed, as Mr. Stone says, it's the '82 budget. I asked my own director, Director Cosentino of Water. Is it for the month of December? Is it for August, September, October, November, December? How many months is it for? He said he did not know, he would give me that information. I then went to Mr. Buckley because it was a motion of this Council unanimously that we not vote, that we send it back to the Budget Office and get the information so that we could vote today. We did not get that information and only learned, as Mr. Robinson has just stated, Mr. Buckley is upset because he can't do his job and he wants to do a good job, that he cannot get this information for two weeks. And I might add, Mr. President, that in the former year when I said that we would have a \$15.3 surplus I was pooh-poohed and we had 16, now it appears to be \$17 or \$18 million. This is a disgrace that this Council is trying to railroad this through with Mr. Stone say, "I don't need information. I understand.", and Councilman O'Malley saying, "Well, I can get this information any time I need it." This is a hoax and a fraud and you're

right, Mr. Robinson.

The Chair:

Roll call vote.

Mr. O'Malley:

I vote aye and I'd just like to make a comment on Mrs. Madoff's statement. I take care of my committees, I get all the pertinent information that Councilman Jim O'Malley requests. If Mrs. Madoff can't do the same then that's her personal problem, not mine.

Michelle Madoff:

That is not true, Mr. O'Malley. You didn't get the information you're just voting the party line.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES 2

(MICHELLE MADOFF AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2555

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Clinical Pathology Facility, Inc., for professional services in connection with tests for City of Pittsburgh employees; and providing for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2659

Report of the Committee on Public Works for March 2, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2535

A Resolution entitled, "Resolution amending Resolution No. 1353, approved December 22, 1982, effective December 31, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for the Inspection of Fabricated Structural Steel in connection with the Radcliffe Street Bridge; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements, and by increasing the project allocation by Five Thousand (\$5,000.00) Dollars."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2660

Report of the Committee on Planning, Housing and Development for March 2, 1983 transmitting sundry resolutions to

Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2541

A Resolution entitled, "Resolution filling vacancies on Boards, Authorities and Commissions."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	

AYES 3 NOES 6

VOTING NO:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an **affirmative** recommendation,

Bill No. 2546

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A26 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Children's Oncology Services of Pittsburgh, Inc., (a non-profit corporation) for permission to construct a two-story rear extension to the existing structure for six new guest rooms, bathrooms and common kitchen for the present institutional residence facility, on property located on the southwest corner of Shady Avenue and Howe Street and identified as Lot No. 196, Block 84-R in the Allegheny County Block and Lot System, 7th Ward."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2547

A Resolution entitled, "Resolution

requesting an investigation of the Urban Redevelopment Authority of Pittsburgh's programs and procedures to facilitate business opportunities for minorities and women, as well as, employment opportunities with the authority — pursuant to the Home Rule Charter, City of Pittsburgh, Article III, Article VIII."

Which was read.

Mr. O'Malley:

Question please, on 2547 was that a positive or a negative recommendation?

Mr. Perry:

Negative.

Mr. O'Malley:

Negative on 47 and negative on 41.

The Chair:

There are three then.

Mr. O'Malley:

I think you skipped 2546.

Mr. Perry:

That may be in another Committee.

The Chair:

Vote aye to approve and nay to sustain the negative recommendation.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff

AYES 3 NOES 6

(MR. GIVENS, MRS. MASLOFF, MR.
O'MALLEY, MR. STONE, MR. WOODS,
AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of
Council not being in the affirmative, the
bill was defeated.

Also, with an affirmative
recommendation,

Bill No. 2548

A Resolution entitled, "Resolution
providing for the Issuance of a
Certificate of Appropriateness for work
to be done on the exterior of the
commercial structure at 411 Market
Street, Block and Lot 1-D-149, in the
Market Square Historic District in the
1st Ward."

Which was read.

Also,

Bill No. 2549

A Resolution entitled, "Resolution
providing for the Issuance of a
Certificate of Appropriateness for work
to be done on the exterior of the
residential structure at 218 Tennyson
Avenue Block and Lot 27-G-216, in the
Schenley Farms Historic District in the
4th Ward."

Which was read.

Also,

Bill No. 2550

A Resolution entitled, "Resolution
providing for the Issuance of a
Certificate of Appropriateness for work
to be done on the exterior of the
residential structures at 1419-25 Hamlin
Way (Block and Lot 7-B-338), 1223 West
North Avenue (Block and Lot 7-C-017)
and 1330 West North Avenue (Block and
Lot 7-B-354) in the Manchester Historic
District in the 21st Ward."

Which was read.

Also,

Bill No. 2551

A Resolution entitled, "Resolution
providing for the Issuance of a
Certificate of Appropriateness for work
to be done on the exterior of the
residential structure at 416 North Taylor
Avenue, Block and Lot 23-K-068, in the
Mexican War Streets Historic District in
the 22nd Ward."

Which was read.

The Chair:

Is there any discussion on the
bills?

And on the question, "Shall the
bills pass finally?"

The ayes and noes were taken
agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2559

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the cumulative amount of \$8,180,317 to the Pennsylvania Department of Community Affairs for the North Shore Project."

Which was read.

Also,

Bill No. 2560

A Resolution entitled, "Resolution authorizing a Fourth Amendatory Cooperation Agreement for the North Shore Redevelopment Project providing for the conveyance of certain property, clarification of provisions for the construction and dedication of certain public improvements, the abandonment of certain water and sewer lines, zoning changes, the installation of street lighting, the conveyance of certain air rights, the waiver of fees and charges for certain permits and licenses, and for certain changes in the financing of the Project."

Mr. Robinson:

On Council 2559, and 2560, I make a motion to recommit.

Michelle Madoff seconded the motion.

Mr. O'Malley:

I vote no, and the reasons being

that if we recommit it might put the application for the funding in jeopardy.

The Chair:

Is there any further discussion on the recommitment?

And on the question, "Shall the recommitment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson

AYES 3

NOES 6

(MR. GIVENS, MRS. MASLOFF, MR. O'MALLEY, MR. STONE, MR. WOODS, AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

And on the bills themselves?

Mr. Robinson:

Mr. President, to my knowledge we have not received from the Urban Redevelopment Authority any documentation as to the nature of the Minority Business Enterprise Program, and I'd just like to make Council aware that my original objection to the bills on North Shore being introduced was that there was no documentation relative to the Minority Business Enterprise Programs, which are required by law.

The Chair:

Is there any further discussion on

the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES 3

(MR. FLAHERTY, MICHELLE MADOFF
AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2661

Report of the Committee on Water for March 2, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2538

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Three, Water, Article V, Chapter 333, Section 3, Ferrule Charge, by clarifying the property owner's liability."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)
Mr. O'Malley	

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 2662

Report of the Committee on Lands and Buildings for March 2, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation

Bill No. 2532

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services and a Contract or Contracts for construction in connection with Renovations to the Fire Department headquarters, 6th Floor, Public Safety Buildings; and providing for the payment of the cost thereof."

Which was read.

The Chair:

I'm going to say it one more time. Aye to vote the bill up, nay to sustain the negative recommendation.

Mr. Stone:

Mike, what was the vote Wednesday?

Mr. Perry:

I believe it was four-five. Ayes four, noes five.

The Chair:

All right, it's aye to pass the bill and nay to sustain the negative recommendation.

Mr. Flaherty:

I am opposed, and the reason why is because the Director of Lands and Buildings told this Council that he had only contacted that one architect that was awarded the contract, and I believe that we should have more competition in the awarding of the bids; and I also feel that we could receive a more economical contract, and it would certainly save on tax dollars if we had more competition.

Michelle Madoff:

I think we needed to deliver a message to the Lands and Buildings Director, and we did, but I don't think we can hold up the Fire Department offices, so I vote aye.

Mr. Robinson:

I vote no. One, because I agree with Mr. Flaherty on the whole bid procedure; I don't think that we had

enough bids. Two, I think that we could get a lower price, at least \$10 thousand; and three, I'm not quite sure of the necessity of these repairs, given some of the other repairs that need to be made in the City of Pittsburgh.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES 2

(MR. FLAHERTY AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff presents

WHEREAS, in 1981 Michelle Madoff presented a resolution to City Council to cause Council to hire a qualified fiscal advisor and said resolution was defeated; and

WHEREAS, on October 18, 1982, Pittsburgh City Council passed a floor motion presented by Michelle Madoff to grant approval for a qualified fiscal advisor to evaluate the 1983 Budget; and

WHEREAS, no such person was hired as directed by a majority of this Council; and

WHEREAS, the Council, pursuant to Article 3 of the Charter of Pittsburgh, is the Legislative Branch of City government and as such, has the duty to exercise independent fiscal judgment; and

WHEREAS, Council is frequently confronted with major issues that require a high degree of expertise in economics and general fiscal matters; and

WHEREAS, the only advice regularly available to Council is from the administrative, legal, and fiscal staff of the Executive Branch, which obviates this Council's duty to the public to collect all of the facts, analyze those facts, and exercise independent judgment; and

WHEREAS, in the past, this Council has been criticized by the public for voting without proper input on issues; and

WHEREAS, the City has alternative tax proposals to evaluate from time to time; and

WHEREAS, the City of Pittsburgh now has a Principal Bond Indebtedness, Unfunded Pensions for police, fire and other City employees, and Workmen's Compensation debts, all of which require expert analysis; and

WHEREAS, Council will shortly be called upon to vote upon another bond for Capital expenditures of \$30 million in 1983 for City projects and only \$29 million will be paid on the existing debt service; and

WHEREAS, Council will also be called upon to review the rate structure

of Warner Cable and decide whether or not to grant a rate increase; and

WHEREAS, the City is undertaking a development on the North Shore, which will involve votes by Council on fiscal matters; and

WHEREAS, the City has undertaken a major study to decide which course to pursue in addressing the severe problems of Pittsburgh's deteriorating water lines and sewage systems and is talking about the possibility of creating a Water Authority; and

WHEREAS, it is Council's duty and responsibility to vote on the budget and all expenditures on a day-to-day basis and on other fiscal matters; and

WHEREAS, it is a conflict of interest and a breach of public trust for the legislative body of the City to rely upon the Executive Branch for legal and fiscal advice; and

WHEREAS, the law requires Council to be thoroughly versed in regard to fiscal matters and analyze the issues from an independent perspective, so that Council may be best advised as to the facts, figures and conclusions that are pertinent to Council's decision-making process to permit Council to vote in the public's best interest.

NOW, THEREFORE,

BE IT RESOLVED, that Council hire a qualified fiscal advisor with a background in economics, tax and municipal management to review the budgets and reports prepared by the Executive Branch and advise the entire Council on fiscal matters and to be paid a competitive salary from the 1983 Budget.

Michelle Madoff moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Mr. Stone:

Mr. President, I'm going to vote against this resolution for a couple of reasons. Some of these whereas's, by voting for them, you're saying that, in fact, happened, and I'm not going to be part of that one, but aside from that — for example here's one here.

"Whereas, in the past, this Council has been criticized by the public for voting without proper input on issues." I don't think you have to be a genius in this City to know the citizens of the City of Pittsburgh are complaining more about the antics and what's going on in this Council than they are about any of these matters.

Michelle Madoff:

Would you vote for a fiscal officer if that were out, Mr. Stone?

Mr. Stone:

No.

Michelle Madoff:

I didn't think so.

Mr. Flaherty:

I am supporting it because I think oftentimes the antics in this Council are grounded in semantics, and I think it is an issue that is commendable. I think it's no new idea to the public that this Council certainly needs a fiscal advisor. The Mayor consistently month after month for the past few years has consistently come into this Chamber and has run over Council simply because he

has the expertise and the staff. This Council's going to be faced with hearings in regard to Warner Cable's request to raise their rates. This body, I think it's sort of funny myself to say this body will be assuming the responsibility, and we will certainly be a form that is comparable to the PUC. Having served in Harrisburg as a State Representative, I know how intricate and complex the PUC hearings are; and this body has taken it upon itself in a comparable setting to weigh a possible rate increase for Warner Cable. I think it's in the best interest of City taxpayers and certainly subscribers to Warner Cable that this Council have the best expertise possible. Otherwise, if we don't, they are going to bury us with their expertise, and they are going to make a strong case, and we had better be on our toes and be able to represent our constituencies, and make sure they have a fair hearing.

The Chair:

If I may, this is about the third time we've voiced our opinion on this fiscal advisor, so I would like if we'd just vote and no further comments, because I believe they're —

Michelle Madoff:

People are allowed to explain their vote, sir.

The Chair:

You're allowed to explain it. It's the third time you've explained it. You're going to come up with it four or five more times, and we're going to hear the same speech again.

Michelle Madoff:

Oh, I won't be coming up with it four or five times, you can be sure of it.

You can be sure of it.

The Chair:

Mr. Givens is voting.

Mr. Givens:

Yes, Mr. President, I'd like to vote no on this particular resolution, and my questions are very simple. I've been able to get information, any information I've wanted. We increased our salaries and positions within our own Department of Finance, within the Council of the City of Pittsburgh; and three, that I have personally hired a person that's very knowledgeable within this particular field of work, and I think that's what all of us have to do if we want this type of expertise. Thirdly, I feel that if there is a need for any consultants along this particular line, that Council within their budget line has money in there that any of the Council people, be it legal or other, can go out and get all the expertise that we need, and until things change to bring that about, I've been to judge in my own mind, working with budgets for some 28 years in the millions and multi-millions of dollars, that I've been able to come up and say what I think, and it's proven, it's fact, year after year after year of what the surpluses are going to be and what everything else is going to be. I feel comfortable with the type of advice that I'm getting right now and my own expertise and knowledge in this particular area, so I vote no, Mr. President.

The Chair:

You make a lot of sense, Mr. Givens. Thank you.

Michelle Madoff:

Mr. President, I will take no

longer than Mr. Givens to tell you that this City has an \$800 million debt, which is three quarters of a billion dollars, not to count the infrastructure of this City that's going to take a tremendous amount of money for water, sewer, etc. I have consulted with people in other cities who have fiscal advisors, and I would like to read one comment from a consulting firm that says, "Should local government, legislative bodies like the Pittsburgh City Council have independent financial advice when they consider bond and note transactions? The answer is an unqualified yes. City Council has a judiciary responsibility to the taxpayers each time it considers an action to incur debt. This responsibility should extend to a thorough review and an understanding of all aspects of the transaction and of the long-term costs involved. A decision to issue debt probably has a greater long-term impact on the City's fiscal condition than any other single decision City Council makes. For example, Mr. O'Malley, a \$10 million borrowing will require the pay-out of more than 20 million including interest charges over a 20-year period. Council's judiciary responsibilities are no more than formalities unless those on Council have specific expertise, I repeat, specific expertise in this area. They have no capacity to exercise independent judgment, and ultimately they must either rubber stamp or blindly reject bond and note transactions. Only an independent financial advisor serving Council insures that its considerations of these matters will be reasonable and responsible." I certainly vote yes.

Mrs. Masloff:

I do vote in the public's best interest, and I don't think we need a fiscal officer. No.

Mr. O'Malley:

I'm going to vote aye. I'd just like to relay a message to my colleague Michelle Madoff that I am very well versed in mathematics. I certainly think that this Council can use all the additional help that we can get. A fiscal advisor will go a long way in providing us with the information we need to make important decisions concerning the taxpayers.

Mr. Stone:

I'm faced with a situation, the people asking for expert advice, when expert advice is provided, they don't listen to it. If you had the best fiscal person in the world, there's one basic thing they'll tell you. If you vote for debt, you must likewise vote for tax in order to pay that debt. Now, some people who are asking for fiscal experts haven't even gotten that far, and now we're asked to spend money so that we bring someone here to tell us something so that we can ignore them as well. The answer is no.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson

AYES 4	NOES 5
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(MR. GIVENS, MRS. MASLOFF, MR. STONE, MR. WOODS, AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

The motion fails.

And on the motion of **Mr. Woods**

Council adjourned.

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ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 14, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 2665 Resolution providing for an Agreement/s and/or a Contract/s for architectural/engineering services and construction in connection with alterations at Special Populations Program Centers to accommodate the physically handicapped, chargeable to and payable from CDLB 82-09 (4-25-15-0002-82-39-82-25) Public Buildings Access by the Handicapped at an aggregate cost not to exceed \$71,000.00.

Also,

No. 2666 Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in accordance with Act 787 of 1937 as amended.

Also,

No. 2667 Resolution repealing Resolution approved on various dates for the sale of properties in various wards of the City of Pittsburgh in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money.

Also,

No. 2668 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Flaherty for Mr. Givens presented

No. 2669 Resolution further amending Res. No. 619, approved 7/2/81, effective 7/13/81, as amended by Res. No. 902, approved 9/17/81, effective 9/22/81, entitled "Providing for a Contract or Contracts for Step Reconstruction at various locations in the City of Pittsburgh, including private property and other work incidental thereto; and providing for the payment of the cost thereof," by increasing the project allocation by \$7,000.00, chargeable to and payable from Code Account PW 81-34, 4-01-30-0958-81, Step Reconstruction.

Which was read and referred to the Committee on Public Works.

Mr. Flaherty moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 2670 Resolution granting unto Pittsburgh Blood Plasma Center, their successors and assigns, the right and privilege and license to construct, maintain, and use at their own cost and expense new concrete exit steps along Marion Street near Watson Street in the 1st Ward, City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2671 Resolution providing for the issuance of a warrant in favor of

Scott Brothers Equipment, R.D. #1, Box 200, Coraopolis, PA 15108 in the amount of \$1,006.81, Repair of a Back-Hoe Loader, chargeable to and payable from Code Account No. 1705, Repairs, Department of Water.

Which was read and referred to the Committee on Finance.

Also,

No. 2672 Communication from Richard M. Cosentino, Director, Department of Water, requesting permission for J.T. Bruecken and John A. Stahoviak to attend the Amercian Water Works Association in Las Vegas, Nevada on June 5-9, 1983, at a cost not to exceed \$2,400.00, payable from Code Account No. 1701, Misc. Services, Administration Division, Department of Water.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2673 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of approximately five (5) Tractors for the Department of Parks and Recreation, at a cost not to exceed \$15,000.00, payable from Code Account 1808, Equipment.

Also,

No. 2674 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of one (1) Greensmower and Accessories for the Department of Parks and Recreation, at a cost not to exceed \$11,000.00, chargeable to and payable from Code Account No. 1808, Equipment.

Which were read and referred to the Committee on Supplies.

Also,

No. 2675 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting interim approval for work in connection with the color coating of asphalt play and court surfaces at Ormsby Park, at a cost not to exceed \$2,530.00, payable from Code Account PR 83-11, Rehabilitation of Existing Playgrounds.

Also,

No. 2676 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Kathy Robbbaro to travel to Washington, D.C. to receive training to maintain proper health for the fish and plant life at the Pittsburgh Zoo on March 29 through April 2, 1983, at a cost not to exceed \$495.00, payable from Code Account No. 1852, Miscellaneous Services.

Also,

No. 2677 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for Howard R. Hays and Robert Wagner to travel to Philadelphia, PA to pick up our female Orangutan on March 9, 1983 to March 10, 1983. Interim approval has been granted. The City will not incur any costs for this trip.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2678 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article Five,

Discrimination, Chapter 659, Unlawful Practices by adding a new section, Public Policy and Records.

Also,

No. 2679 An Ordinance amending the Pittsburgh Code, Article III, Depositories, Section 223.01, Distribution of Deposits, by requiring that a certain amount of deposits be placed in minority controlled financial institutions.

Also,

No. 2680 An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article Five, Discrimination, Chapter 653, Human Relations Commission, by granting the Human Relations Commission the jurisdiction to investigate and secure the implementation of the City of Pittsburgh's Minority and Womens Business Participation Policy contained in Ordinance No. 28 of 1978 and the Mayor's Executive Order No. 1.

Also,

No. 2681 Resolution Re-opening the 1983 Budget for consideration of all budgetary items presented and approved during 1982.

Michelle Madoff:

One moment, please. Before that bill comes up, will we have the information that is due us? Is Mr. Buckley here? That information on the \$18 million? Will that be up before that bill is opened?

Mr. Buckley:

I haven't any idea.

Michelle Madoff:

How long will it be?

Mr. Buckley:

Another two weeks.

Michelle Madoff:

We'll have that.

Mr. Buckley:

That's what I said.

Michelle Madoff:

If not, I want to move to hold that bill.

The Chair:

We're just introducing the bill. That's going into Committee Wednesday.

Michelle Madoff:

I understand. Did somebody just move to waive Rule 8 on that bill?

The Chair:

No.

Also,

No. 2682 Resolution requesting the Human Relations Commission, City of Pittsburgh, to comply with the provisions of Ordinance No. 28 of 1978 and Mayor's Executive Order No. 1. (Minority Participation)

Which were severally read and referred to the Committee on Finance.

Also,

No. 2683 Resolution amending Resolution No. 443 of 1980 as amended by Res. No. 687 of 1980, No. 590 of 1981

and No. 29 of 1983 providing for a Cooperation Agreement(s) with the URA of Pittsburgh in connection with the Property Management and Maintenance Program, by increasing the cost thereof from \$1,290,000.00 to \$1,859,200.00.

Also,

No. 2684 Resolution authorizing the URA of Pittsburgh to enter into a Grant Agreement with Steve Catranel Construction Company, Inc., for an amount not to exceed Three Thousand Eight Hundred Seventy-Seven and 53/100 (\$3,877.53) Dollars from the Neighborhood Housing Fund for site improvement work in connection with the Bloomfield/Garfield Housing Program in the 10th Ward of the City of Pittsburgh.

Also,

No. 2685 Resolution authorizing the URA of Pittsburgh to enter into a Grant Agreement with Infil Housing Corporation for an amount not to exceed Twelve Thousand (\$12,000.00) Dollars from the Neighborhood Housing Fund for site development and landscaping work in the Gibson/Green Project, Charles Street Valley in the 26th Ward of the City of Pittsburgh.

Also,

No. 2686 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting permission for Richard Smith, Susan Scheuring and Bruce Barnes to attend a Community Development Management Seminar in Chicago, Illinois on April 10-14, 1983, at a cost not to exceed \$1,600.00, payable from Community Development Block Grant Program, Department of City Planning-Administration, Code CDPA.

Which were severally read and referred

to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2687 Resolution providing for the issuance of a \$1,824.58 warrant in favor of Union Real Estate Company of Pittsburgh, Agents for Stephanie Ann Corp., et al; owners of Aberdeen Apts., in settlement of claim for plumbing damage due to debris entering the water lines, charging same to Code Account No. 46, Judgments.

Also,

No. 2688 Resolution transferring the sum of \$225,000.00 from the Unrestricted Cash Account, Department of Housing, Bond Fund, to the Unrestricted Cash Account, Department of Fire, Bond Fund.

Also,

No. 2689 Resolution amending Resolution No. 28 of 1983 transferring the sum of \$34,000.00 from Unrestricted Cash Account, Mayor's Office, Bond Fund, to Unrestricted Cash Account, Department of City Planning, Bond Fund, by decreasing the amount transferred to \$32,237.80.

Also,

No. 2690 Communication from Dante Pellegrini, City Solicitor, requesting permission for Marvin A. Fein to attend a seminar in Washington, D.C. for prosecution and defense of suits against state and local governments on April 20-23, 1983, at a cost not to exceed \$850.00, payable from Code Account No. 1075, Misc. Services, Department of Law.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2691 Resolution providing for the issuance of a warrant in favor of Charles J. Karam in the amount of \$415.00. This warrant is necessary to refund the excess collected when his vehicle was auctioned since City Ordinance requires that any funds in excess of towing and storage charges, which are received when the vehicle is auctioned, be refunded to the owner upon request.

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Robinson:

Mr. President, I have two items of Unfinished Business. One is the issue of the subpoena that was issued to Reverend Simms, and he appeared here, I believe it was last Monday, pursuant to that subpoena. I think each member of Council received a document from Reverend Simms dated March 7. This document appears to be the information that we requested by way of subpoena, and the record will reflect that Reverend Simms in answering his questions indicated that the information did not exist. So as not to belabor the point but to get some clarification, I'd like to have this document forwarded to our City Solicitor to determine if this is the information that was requested by way of the subpoena; and if he'd be kind enough to —

Mr. Pellegrini:

I'll speak right now.

Mr. Robinson:

No, I would like to have it

submitted to the Solicitor and for him to get back to us next week if he would be willing to do that.

The other item is a citation that I'd like to have Council consider, if the City Clerk will read this please.

Mr. Robinson presents

Bill No. 2692 Citation for contempt of Council

The Council of the City of Pittsburgh, through its president, does hold in contempt of Council, Mrs. Louise Brown, Chairperson, Zoological Park Commission, for failure to legally appear and legally comply with the provisions of a subpoena issued by Council on February 28, 1983 and requiring her appearance in Council Chambers at 10:00 o'clock, a.m., on Wednesday, March 9, 1983.

The Chair:

Excuse me I understood that she appeared, and yet you're saying that she didn't appear?

Mr. Robinson:

If I might, Mr. President, there seemed to be some question at that meeting. Councilman Stone chaired that meeting. Mr. Pellegrini indicated that he was representing Mrs. Brown, and it's my understanding that he advised her not to forward any information pursuant to the subpoena but that she would be willing to submit information voluntarily. I asked Mr. Stone to please swear her in. He did not swear her in. Mr. Pellegrini offered to make the information available voluntarily. I indicated to Mr. Stone that the subpoena was properly issued and that I didn't think we should accept the information, one, before Mrs. Brown was sworn in, and two, we should not accept it unless it

was being tendered to use by way of the subpoena.

The Chair:

She did appear, but she didn't answer questions?

Mr. Robinson:

I would say that there's a question as to whether or not Mrs. Brown legally appeared.

The Chair:

What? Was she in attendance? Was she here?

Mr. Robinson:

Was she in the session? I would say no.

The Chair:

Her body was here, but she wasn't here?

Mr. Robinson:

Yes, sir.

Mr. Stone:

Mr. President, if I may, I'd just like to set this thing in proper posture. It was not that I refused to have her sworn. What had happened, Louise Brown appeared with the City Solicitor as her counsel, and at that time he had a question of jurisdiction; and it is basic that when you contest jurisdiction, you have to contest it right away and then not participate, rather than participate and then contest jurisdiction. I then indicated to Councilman Robinson that if he is going to contest the jurisdiction, he has to contest it at that moment. The City Solicitor then on behalf of Louise

Brown indicated that he was contesting jurisdiction, indicating the Committee meetings are not a regular meeting of Council, and he was objecting on those grounds it was the wrong forum; and since, as I gathered, it was a legal, technical request, he was giving a legal, technical answer. At any rate, where he got to was that he said that he would not have her respond under the subpoena because, in his opinion, it was faulty. He then stated that she was there, ready, willing, and able to voluntarily give the information if Councilman Robinson so desired. I then turned to Councilman Robinson and asked him, in view of that, what he wanted. He responded that he did not want the information voluntarily, and he wanted it only under the subpoena, which was given to him. I indicated to all parties at that time that they were deadlocked at that point, and that is whether or not there was jurisdiction or not jurisdiction, and then you go beyond that, and that's where it was, frankly, left as far the posture of the day.

Mr. Robinson:

If I might, Mr. President, in response to Mr. Stone's comments, I think two things should also be added to the record at this point. One is I think that we ought to have included in the record at the appropriate place the exact conversation that was held at that time so that all members of Council will be able to evaluate it and also for future reference.

COUNCIL'S REMARKS ON SUBPOENA
ISSUED FOR LOUISE BROWN,
DIRECTOR, DEPARTMENT OF PARKS
AND RECREATION, FROM THE
MEETING OF WEDNESDAY, MARCH 9,
1983.

Mr. Pellegrini:

Before we go ahead, I would like to make a comment.

Mr. Robinson:

If I might, Mr. Pellegrini, I believe Mrs. Brown should be sworn in.

Mr. Pellegrini:

Before I go ahead, I would like—

Mr. Robinson:

Mr. Pellegrini, you are a guest at this table.

The Chair:

Wait just a minute. What the Chair wants to find out— First, let me see what develops here before we get a statement, then I'll get back to you. Mr. Robinson?

Mr. Robinson:

I would like to have Mrs. Brown sworn.

Mr. Pellegrini:

That is what I want to make a comment about.

Mr. Robinson:

No, no, Mr. Pellegrini. Mr. Pellegrini, would you please respect this Council if you can't respect me.

Mr. Pellegrini:

Well, I would just like to make a statement. I do respect this Council.

Mr. Robinson:

Mr. Pellegrini, would you please respect this Council. My addressing was

to the Chair, Mr. Chairman. I would like the Chair to make arrangements to have Mrs. Brown sworn.

The Chair:

Bill, as the Chair understands from the legal opinion that has been written, and also from what I gather Mr. Pellegrini is getting a little excited about, he is contesting the right to be here. In that view, I think we should hear only on that issue only, and, I think that is where he is at. Then, when we get past that issue we will go into the merits of what we are doing.

Mr. Robinson:

Mr. Chairman, I asked the Chair to make arrangements to have Mrs. Brown sworn.

The Chair:

I have no alternative but to let him speak if he is contesting. Let me ask him—

Mr. Robinson:

Will the Chair make arrangements to have Mrs. Brown sworn?

The Chair:

Mr. Pellegrini, are you contesting the jurisdiction at this time?

Mr. Pellegrini:

Yes, but we will appear voluntarily and answer the questions. I just want to make it clear that the subpoena was not issued properly.

Mr. Robinson:

Mr. Chairman, I want the Chair to rule on whether or not Mrs. Brown will

be sworn.

The Chair:

The Chair cannot rule one way or the other until the contest of jurisdiction is determined. I am not fighting you, but I think he is right there. If he can test the jurisdiction, he has to do it now. He can't participate and test it, that is his problem.

Mr. Robinson:

I have a question of you, the Chair. If Mr. Pellegrini is going to contest jurisdiction, is this Council the court of last resort?

Mr. Pellegrini:

We are going to answer questions, we are prepared to answer your questions.

Mr. Robinson:

I am asking it of the Chair, Mr. Pellegrini. Don't you have any respect for anybody or anything?

The Chair:

Wait. Everybody settle down a second, settle down a second. As I see it, if he contests the jurisdiction and it is not respected, then it would appear to me that the court would have to resolve that issue.

Mr. Robinson:

One other point, point of personal privilege as a member of this Council. Reverend James A. Simms came before this Council on Monday and was sworn by this Council. Mr. Pellegrini, who represents both Mrs. Brown and Reverend Simms, did not raise this objection. Rather than suggest some

favoritism, Mr. Pellegrini, I hope you would reconsider now advising Mrs. Brown that we don't have jurisdiction because you did not give the same respect and courtesy to Reverend Simms.

The Chair:

Mr. Robinson, I want to stay out of the legal issue.

Mr. Robinson:

I will respect the Chair's decision.

Mr. Pellegrini:

Can I respond to that?

The Chair:

No, let the Chair finish for a moment. I think from what he's got on the legal opinion, the tenure of his objection is that if Louise Brown were called, the Director of Parks and Recreation, to the Council, to the legislative session, that would be different than to a committee meeting. That is the distinction between the two so far.

Am I correct there, so far?

Mr. Pellegrini:

That is correct. In my letter of March 7th I specifically stated that Reverend Simms is required to attend Council's session of March 9, 1983 and I requested a new subpoena so that the correct information could be obtained. I think the record should also note that after Monday we gave to Council a list of what we thought was the correct information that we believed Mr. Robinson was after.

The Chair:

Pardon the Chair for a moment. When you gave information, was that in answer to Mr. Simms' subpoena, or to Louise's subpoena?

Mr. Pellegrini:

The information that we gave, we gave voluntarily.

The Chair:

In answer to which subpoena?

Mr. Pellegrini:

Mr. Simms' subpoena.

The Chair:

Okay. I was trying to find out whether you gave something relative to this one too.

Mr. Pellegrini:

But, I would have to say that it wasn't in response to the subpoena, it was voluntary information that we submitted.

Mr. Robinson:

Point of order. Point of order. Point of order.

The Chair:

Wait a minute, I want to deal with where I am at right now.

Mr. Robinson:

The Chair indicated that Mr. Pellegrini could respond to the issue of jurisdiction, not talking about Reverend Simms. Now, Mr. Chairman, if we are going to be fair and we are going to talk about jurisdiction and courts of last resort, I implore you to ask our city

solicitor, who supposedly represents the Council and the Mayor, to please respect his position of neutrality.

The Chair:

Now we are dealing only with the matter of jurisdiction.

Mr. Pellegrini:

With the matter of jurisdiction, what my opinion stated is that the Council resolution requested Mrs. Brown to appear before Council. Council does not meet on Wednesdays, the Committees of Council meet on Wednesdays. When we pass bond issues, that's why we have to recess the Monday meeting usually until after the Finance Committee meets, it is nothing unusual. But, Mrs. Brown is agreeing to submit to any questions that any councilman has or any councilmember has today. The only issue is that I am trying to preserve the legal argument or the legal position that today the subpoena is not valid, but she will answer any questions.

The Chair:

Okay. Let me see if I am correct here. I want to try something, if I can, so we can get to the substance rather than the technical problems. Are you saying that you will not respond to a subpoena, but you will give whatever is requested?

Mr. Pellegrini:

That is correct.

The Chair:

Okay.

Mr. Robinson:

May I respond? I am sorry Mr.

Pellegrini is taking this position. First of all, I question Mr. Pellegrini's legal right to represent only Reverend Simms and Mrs. Brown, and not have any communication with this Council relative to subpoenas. That is the first thing. So, I think there is a question of some jurisdiction, and also some question as to who Mr. Pellegrini represents. I believe he also represents me, and I have not talked to him on these matters.

Second of all, this Council authorized me to secure legal counsel to address the issue of minority business development. I indicated I would try to avoid that so as not to tax this Council and so as not to tax the credibility of the city. Since Mr. Pellegrini feels that he would like to challenge the subpoena, and since Mrs. Brown in the past has refused to respond to the information; it would seem to me that I have no other recourse but to reject his offer of free information at this time, secure legal counsel, and, unfortunately, see Mr. Pellegrini and Mrs. Brown in court.

The Chair:

So the Chair understands the position here now, where we are at this point, you are saying that based on a legal situation you will not respond to a subpoena, but you will give the same information voluntarily. As I understand from Councilman Robinson, he is saying he wants it done under the subpoena and not voluntarily, as you are suggesting here. I am just trying to get the positions clear so we understand where we are.

Mr. Pellegrini:

Can I clarify that position? It would be impossible to obtain any enforcement of a subpoena when you have the information. The court would then say why--

The Chair:

Hold on a second, let's not get into that.

Mr. Pellegrini:

But, we will provide the information.

The Chair:

That is not the issue.

Mr. Pellegrini:

The issue here is whether or not Mr. Robinson wants information. We are prepared to give him the information today.

Mr. Robinson:

That is your issue, Mr. Pellegrini, that is not my issue.

Mr. Pellegrini:

That is why you issued the subpoena.

Mr. Robinson:

You don't know why I issued the subpoena, Mr. Pellegrini.

The Chair:

Hold on, Mr. Robinson. Mr. Pellegrini, I don't want an argument here. All I want cleared up is how this thing has gotten to where it is right now. Am I stating the issue as it is right now?

Mr. Robinson:

As far as I am concerned, Mr. Chairman, yes.

The Chair:

Okay, that is where it is. He doesn't want the information, other than under the subpoena; and you don't want to give it, other than with the subpoena. We are at a deadlock and there is no reason to continue.

Mr. Pellegrini:

There is no deadlock. He can say he is getting it under the subpoena, I can say I am giving it voluntarily.

The Chair:

That is what you both are saying, it is very clear. I don't think there is any question, you are diametrically opposed and that has to be carried further or forgotten. That is where you are.

END, COUNCIL'S REMARKS ON THE SUBPOENA ISSUED FOR LOUISE BROWN, 3/9/83.

Mr. Robinson:

The second part is that certainly Mrs. Brown was entitled to counsel, and certainly Mr. Pellegrini was entitled to advise his client accordingly. That creates, I think, a problem for us that perhaps cannot be addressed at this moment but certainly needs to be addressed, and that is the issue of who does the City Solicitor represent. The charter is rather clear that the City Solicitor represents both Council and the Administration. Mr. Pellegrini on two occasions has come before this Council representing individuals, Reverend James A. Simms and Mrs. Louise Brown. Mr. Pellegrini has also given to this Council conflicting legal opinions. He gave one opinion as to how to draw up the subpoenas, and they were drawn up in accordance with his opinion. He then sent us another opinion indicating the

subpoenas were faulty. It seems to me that for this situation, this legal problem, this technical problem to be resolved, we will have to resolve the issue of who it is that Mr. Pellegrini represents. If this matter were to go on to a court, I think it would be very difficult for Mr. Pellegrini to represent both this Council and Mrs. Brown and/or Reverend Simms. As I mentioned before, perhaps this is an issue that cannot be resolved at this moment, but certainly I think it is one that is going to have to be resolved. I don't think that the situation that Mr. Stone described can be left unresolved, and I don't think he would want to leave it unresolved. I would hope if there is a question about jurisdiction, and certainly I asked Mr. Stone about the jurisdiction issue and never got a response, I would hope that we could resolve the jurisdiction issue. I hope we could resolve the issue about Mr. Pellegrini and who he represents, and I think also we need to resolve the issue of the information in question. Mr. Pellegrini did submit information. I assume he submitted on behalf of Mrs. Brown. The impression was given, and Mr. Stone can correct me if I'm wrong, that the information that Mr. Pellegrini was submitting on behalf of Mrs. Brown represented the information requested in the subpoena. I believe that every member of Council received a copy of that information. Again, in the interests of time and so that we can dispose of this in the proper fashion, it might be advisable, Mr. President, to have Mr. Pellegrini review the materials that he submitted on behalf of Mrs. Brown to let us know if that is the material that we requested by way of subpoena. I think that would be appropriate, and if he could do that next week along with evaluating the material that Reverend Simms sent forward, perhaps we can resolve part of the problem, and that is, can this Council get the information it has requested, whether it be by subpoena

or voluntarily.

Mr. O'Malley:

I would like to make a motion at this time to rescind the subpoenas for the following reasons, and this is the opinion I received from the Solicitor regarding Director Brown's subpoena. It says here that —

The Chair:

Excuse me, Mr. O'Malley. First of all, before we got to a motion, there was discussion, so there is no motion.

Mr. O'Malley:

I would like to make a motion to rescind the subpoena.

Michelle Madoff:

Can we have the discussion on what Mr. Robinson said before we get to the motion?

The Chair:

First of all, let's do it right for a change. You do want to have the motion for a citation of contempt?

Mr. Robionson:

Point of order, Mr. President. I don't believe that any motion is in order.

The Chair:

What are we supposed to do?

Mr. Robinson:

I believe that the Chair has the power to proceed.

The Chair:

I'm not holding her in contempt.

Mr. O'Malley:

That would be to proceed to call a vote on the citation?

Mr. Robinson:

No, to issue the citation.

Mr. O'Malley:

Call the vote on whether we can issue the citation.

The Chair:

The man just said that he left it up to my discretion. I said I'm not going to issue a citation.

Mr. Robinson:

Point of order, Mr. President. Could I respectfully request that the City Solicitor give us an opinion as to whether or not you have the power to issue this contempt citation?

The Chair:

You're the one that just said I did.

Mr. Robinson:

I respectfully request that the City Solicitor give us his opinion as to whether or not you can issue the contempt citation.

Mr. Stone:

Point of order, if I may. The question needs a little more amplification. You're saying the President alone, or Council?

Mr. Robinson:

No, I'm asking the City Solicitor whether or not the President can issue the contempt citation.

Mr. Stone:

The President alone?

Michelle Madoff:

Or the Councilman. Bill, can we expand it?

Mr. Robinson:

Well, I think the City Solicitor should be able to respond. If he can't respond now, we can delay it until he can.

Mr. Pellegrini:

I can respond right now. Section 808 of the Home Rule Charter provides, "Any witness who refuses to obey a subpoena or refuses to testify under oath or affirmation may be cited for contempt in any court of common pleas having jurisdiction." That's under the Home Rule Charter. The President and this Council doesn't have the authority to find her in contempt, only a court of jurisdiction. I'd like to explain just a couple of things. Number one, we did not draft the subpoenas. The memo I sent —

Mr. Robinson:

Point of order, Mr. President. Point of order.

The Chair:

We asked for a question. Let him answer him or her.

Mr. Robinson:

Point of order, Mr. President.

The Chair:

What's your point of order?

Mr. Robinson:

Mr. President, my point of order is, I requested the Chair to ask Mr. Pellegrini to do one specific thing, which he did. I don't think it's appropriate for Mr. Pellegrini to start talking about another subject at this point. I would like to have an opportunity to respond to what he has said and take the appropriate action.

The Chair:

Okay.

Mr. Pellegrini:

But you won't give anybody else this —

The Chair:

You did say that I don't have the power to issue a citation.

Michelle Madoff:

Bill, are you through?

Mr. Robinson:

No, I am not. If I might, I'd like to withdraw the citation for contempt.

The Chair:

You're withdrawing.

Mr. O'Malley:

I'd like to make my motion to rescind the subpoena for the following reasons.

The Chair:

It has already been done. The subpoena, you said. No, he said the subpoena.

Mr. O'Malley:

No, my motion to rescind the subpoena, if Councilman Robinson asked this Council —

The Chair:

I said the subpoena. We're not talking about the contempt citation. He withdrew the contempt citation.

Mr. O'Malley:

Now I want to make a motion to rescind the subpoena.

The Chair:

Is there a second?

Mrs. Masloff:

I second the motion.

Mr. Robinson:

Comment, Mr. President. I believe Mr. O'Malley's motion is out of order. Perhaps its intent is proper, but this Council duly issued those subpoenas. Reverend Simms has already been represented before this Council by Mr. Pellegrini, who is identified as Reverend Simms' counsel. If, indeed, we pass on this motion to rescind these subpoenas, we may find ourselves in court with Mr. Pellegrini representing Reverend Simms and Mrs. Brown and this Council. I think that it would be much more appropriate perhaps for Councilman O'Malley to find some other way to address his concern, but if this Council makes an attempt at this point to rescind the action on those subpoenas, I think we'll be jeopardizing ourselves legally.

Michelle Madoff:

Before we enter a motion, can I have my turn to be heard on the same subject?

Mr. Woods:

One subpoena has already been answered, so that one should be dead as far as this consent is concerned. So we can't withdraw that. That's already been served. He appeared. We're talking about one subpoena.

The Chair:

One to Mrs. Brown.

Mr. O'Malley:

Mr. President, I'd like to have the Solicitor give me an opinion if my motion to rescind the subpoena is in order at this time.

Mr. Pellegrini:

As long as Councilman Robinson says that his questions were not answered on Mrs. Brown's subpoena, we have an outstanding subpoena in effect. My belief is that your motion is in order.

Mr. O'Malley:

It is in order?

Mr. Pellegrini:

It is in order.

Mr. O'Malley:

Okay. I'd like to state for the following reasons why I'm making a motion to rescind the subpoena. First, in the Solicitor's letter to Council which states, "In regard to the subpoena issued to Director Brown, the subpoena calls for

her to appear before Council on March 9, 1983 at 10:00 a.m. Council is not in session on March 9, 1983. The Finance Committee is a body in session. The time for appearance for Director Brown should be rescheduled for a Council session." So it appears that on the subpoena that requested Director Brown to appear in, in essence, it was the wrong time to ask the Director to appear before this body.

The second reason that I'd like to rescind the subpoena is, moreover, the documents requested from Director Brown are impossible to produce, because the Zoological Park Commission issues no contracts, has no employees or staff, and accordingly, cannot have an M.B.E. program. All contracts issued for reconstruction of the Zoo are the City of Pittsburgh contracts. Minority Business Enterprise's involvement in the City contracts is monitored by the Human Relations Commissions, and issues reports that the City Council receives, so that's the reason I'd like to ask for the subpoenas to be rescinded. First of all, they can't have no M.B.E. program, so there can be no reports on that program.

Michelle Madoff:

Thank you for recognizing me, Mr. President. I was beginning to think, as a female, I was becoming invisible here, since a number of people down the other side of the room have raised their hands and been heard.

First of all, I think it's very important to address the bottom line of this issue. The issue from my perspective is not the subpoena, and it is not some of the issues that have been raised here, but the issue is that until Mr. Robinson started to play hard-ball and asked for pertinent information from various department heads, particularly Reverend Simms, he did not get the

information, but when he issued that request to be here under a subpoena, suddenly that material miraculously appeared; and I think that's a very sad commentary.

I think we absolutely must get clarification. The Home Rule Charter does say that Council can have its own counsel. I've discussed this with Mr. Pellegrini. He informs me that, while we can have our own full-time counsel as advisors, which would be very helpful to somebody like me, when someone says, "Michelle, you don't prepare your bills well," well, I went out and I got an attorney to prepare the one on the fiscal advisor. He's willing to do it now as a favor. I can't go to an attorney all the time and say will you do this for me as a favor. There's a conflict all the time. When I need material, and the Mayor needs material, I'm sure that the Mayor's need would come first. I must admit that I asked Mr. Pellegrini to prepare something for me, and I have from to time to time, and he has been most helpful, assigned it to the Law Department, but there's always a conflict. I'm talking to the issue. The conflict is, for example, the issue was raised the other day, does the Home Rule Charter say that we should have a committee of three, or is, indeed, the Finance Committee --

The Chair:

Michelle, please stay on the subject, please.

Michelle Madoff:

My attorney, Mr. William Scott, says that Mr. Robinson is absolutely correct, that the opinion by Mr. Pellegrini is erroneous and by Mr. Stone is erroneous.

The Chair:

I'm going to call you out of order, and we're going to move on. Mr. Woods, you're not on the citation at all or the subpoena.

Michelle Madoff:

The citation relates to the fact that we don't get information unless we cite people.

Mr. Woods:

I would like to ask Mr. Pellegrini to come up to answer a simple question.

The Chair:

I'm not trying to cut you out, Michelle, but you're off the subject altogether.

Michelle Madoff:

I am not off the subject, Mr. DePasquale. I'm on the subject, because if we don't do this, we don't get information. We get \$18 million transferred from 82' to 83', the information won't be ready for two weeks, and this dumb Council voted for it except for three of us.

Mr. Woods:

Mr. Pellegrini, since you wrote an opinion, it says that the one subpoena was issued wrong because of the date. Louise Brown has to come to a Committee meeting. Instead of rescinding that subpoena, wouldn't we just have to vote to issue her a new subpoena and have her come in on Monday?

Mr. Pellegrini:

You could, or change the time in one particular subpoena.

Mr. Woods:

How would we change the time?

Mr. Pellegrini:

You just make a motion to change the time in the bill. I'd like to point, out though, on Wednesday I was making a technical objection to the subpoena. It was not only on behalf of Mrs. Brown, but it was on behalf of the City. She was there, though, prepared to answer any question. In fact, we submitted afterwards all the information on the Zoo that she separated out by the City contracts, so in every instance, when my opinion came up, number one, it had told the defects. Number two, it told you how to correct the defects, and number three, that it would be given voluntarily, so we provided a way for Council to get all the information it requested.

Mr. Woods:

Okay, Dan. Dan, in other words, there are two ways we can go about this; we can rescind the subpoena, or we vote to change the date.

Mr. Pellegrini:

Or you can vote to rescind.

Mr. Woods:

All right, but if we don't vote to change the date, it's just a dead subpoena?

Mr. Pellegrini:

It's a dead subpoena.

Mr. Woods:

Thank you.

Mr. Flaherty:

Yes, I have a question, Dan. It seems to be that Councilman Robinson is hitting upon a very cogent point, and I believe it's the kernel of the dilemma that we find ourselves in, and that's — are you saying that you are serving as counsel to the two individuals that were subpoenaed and also to Council as a body?

Mr. Pellegrini:

No. What I was saying is that when I issued an opinion on March 7th, what I pointed out to Council was that there were defects in the subpoena. Not only did I point the defects; I said if you want to correct these defects, this is the way you do it, and we attached the appropriate legislation to correct those defects. Number three, we said, the opinion said that those individuals had to comply with the subpoenas; they were valid subpoenas. We also said that we would insure that if Council didn't want to use the subpoena route, that the information would be provided. All of that occurred. Council received all the information that it wanted. Where there is no other information available, we went out and we generated information. When you get a subpoena, all you really get is information that's on hand, so the information was generated. We had the Human Relations Commission attend a Council meeting and separate out the contracts on the Zoo. We provided all the information, so, quite frankly, there is nothing more that you can ask for that anyone can possibly give.

Mr. Flaherty:

Okay. Who had authorized you to be the spokesperson for saying that you or that the Director of Parks would provide the information if Council would not pursue gathering the information under a subpoena? It seems to me that you're showing a strong partiality in this

issue.

Mr. Pellegrini:

I'd like to disagree.

Mr. Flaherty:

Who authorized you to make that statement? Did the Mayor's Office authorize you to make that statement, because I don't think it should be within the jurisdiction of the City Solicitor's Office to make a judgment as to if the material was in order that was relayed or in regard to strategy that this Council as a whole or any member of Council should take.

Mr. Pellegrini:

The example that I can give you, Councilman Flaherty, is that if this Council would decide to pass the bond issue at a Wednesday session, that I think it would be incumbent on me to tell Council that if you attempted to pass in the name of the City of Pittsburgh a bond issue at the Wednesday session, that you would not have a valid bond issue. These subpoenas were the first subpoenas issued, as far as I can remember, for a Monday session. There were some subpoenas issued in the early '70's for an investigation of the Housing Authority. They were done incorrectly. Councilman Robinson has made a statement that I told him how to draft them. What I did do is there was a request that did come down that said, "How do you draft a subpoena?" I said Council would authorize the issuance of a subpoena, and I would be very happy to draft them. I didn't draft the particular subpoenas. If I did, I would have drafted the subpoenas that I submitted with the bill.

Mr. Flaherty:

I don't have an answer to my

question. Under whose authority were you saying that the information would be provided without a subpoena? It seems to me that that's completely out of the realm of your protocol or jurisdiction.

Mr. Pellegrini:

No, if you take a look at the Home Rule Charter as far as Directors are concerned, if Council request information, Directors are to provide that information. That is really not an interpretation. Mr. Simms is a little different, but Mr. Simms, quite frankly, was aghast that he was under subpoena, because he responded in a letter attached to the subpoena, so he thought that he gave all the information that Council wanted. The question that really — and, in fact, on December 9, Mr. Perry gave to Councilman Robinson a list saying that the Zoological Park Commission did not submit reports and a number of other boards, because they did not have contracts.

The Chair:

Mr. Solicitor, if I may, in that respect, you will guarantee that Mrs. Brown gives us the information that we want, unless she's subpoenaed?

Mr. Pellegrini:

Mrs. Brown is prepared, Mrs. Brown will be sworn, she will come to any Committee of Council, she will give any information that she has, and that was what we were going to do on Wednesday.

The Chair:

Well, that's the point. I don't think there's any need for any further discussion.

Mr. Flaherty:

Point of information is that there will not ever be a reason for any subpoena, then, as long as the City Solicitor, then, will always guarantee that we will get all the information that we request. I think we are making a mockery out of the whole idea, then, of having a subpoena, and the rationale or the flow of the logic would be, all we need is the Solicitor to say this information will be given to us. If that's so, then, and if that's going to be the law of land, then a subpoena is strictly a superfluous matter. When do we need a subpoena, then?

Mr. O'Malley:

When you don't get the information.

Mr. Flaherty:

Well, apparently Councilman Robinson feels that we have not received the information, and I think we should extend the courtesy to him, since this is an issue that he has shown the greatest interest in, certainly more interest than any other member on this Council.

Michelle Madoff:

Mr. President, I need two questions answered from Mr. Pellegrini, very quickly. Mr. Pellegrini when Mr. Simms was here with you with the subpoena, and attached the information to it, as you just stated, he was shocked that he was subpoenaed, because he had attached all the information?

Mr. Pellegrini:

No, I didn't say that.

Michelle Madoff:

You just said that.

Mr. Pellegrini:

No, I said he gave a report. The information that was requested, as you recall, was in regard to the sale of the National Building, \$1.7 million that we received. Councilman Robinson asked for a report on the M.B.E. Program. He gave him a report that I attached to the letter. The subpoena that was requested requested information in regard to Parcel A. Parcel A was not part of that transaction at all.

Michelle Madoff:

Dan, you don't understand me. I'll try to clarify it. Until the subpoena was issued, Mr. Simms did not supply information on several occasions over periods of time. Is that correct? Various questions were asked he did not supply, is that correct? Yes or no answer.

Mr. Pellegrini:

The answer is no.

Michelle Madoff:

He got up here, and said he didn't have it. How could he have supplied it, if he didn't have it?

Mr. Pellegrini:

Well, I think if you would have read the letter that I sent up, the letter that I sent up said that the information requested was in regard to Parcel A —

Michelle Madoff:

Dan, you're missing my point.

Mr. Pellegrini:

Now, let me finish, was in regard to Parcel A. Parcel A is still in the

hands of United States Steel Corporation and the Port Authority. The transaction that he's talking about is the \$1 million National transaction.

Michelle Madoff:

But there were other questions asked besides that issue.

Mr. Pellegrini:

All of them were addressed in the opinion.

Michelle Madoff:

That's my question, Dan. Don't skip it; that's exactly my question. Until the subpoena and the questions were asked, Mr. Simms did not provide the information. As a matter of fact, I have 20-20 hearing, and he got up and said, "I don't have the answers to the questions." "Did he not say, "I do not have the answer to some of the questions; they don't exist."?"

Mr. Pelligrini:

The only way that I can respond to that is for you to read the opinion, and if you want a copy, I have a copy here.

Michelle Madoff:

I have read it, and you know that what I just said is fact, and my next question is, supposing this Council, which could never happen because of the makeup of this group, and God forbid the makeup of the next group would go along with whatever the Administration wants, so that if we ever had to go to court, it would be one person or two people or three people of this body going to Commonwealth Court. Would you then represent, say, Louise Brown or Simms or anybody else, or you be representing us, and I think that's the question that

Councilman Flaherty's asking.

Mr. Pellegrini:

If this Council ordered, I would cite Mrs. Brown for contempt. What I was trying to avoid —

Michelle Madoff:

That's not my question, Dan. I'm not talking about the contempt and the subpoenas now. I'm saying if we ever go to court, whose side would you be representing? Would you not represent either? Would you step aside and they'd hire a private attorney and we'd have our own private attorney, or would you be representing us, or would you be representing Mr. Simms or —

Mr. Pellegrini:

I would be representing the City of Pittsburgh.

Michelle Madoff:

But you can't represent the Council. We're the legislative body.

Mr. Pellegrini:

If Council desired to go to court and it was a vote of the majority of Council to cite an Administrative official or any other official, and I can't envision citing a Director, because under the Charter there's a specific provision that requires Directors to give information to Council.

Michelle Madoff:

But what do you do when they don't?

Mr. Pellegrini:

What you do is you call them up

and you get the information.

Michelle Madoff:

And when you do it for a year and you don't get it, then what do you do? Do you think Mr. Robinson is doing this for laughs?

Mr. Pellegrini:

Mr. Robinson at the Wednesday session said he wasn't doing it to get information, so I don't know why Councilman Robinson is doing it.

Michelle Madoff:

Let me tell you where I'm coming from. Let's assume for the sake of argument that Sophie and I are going to take a law suit against our colleagues, and we feel that they've done something pertinent like the \$18 million without getting the information, and we're going to court, and we have to have an attorney. Do you represent us, or do we need five votes? We need five votes, right?

Mr. Pellegrini:

If you had five votes, you wouldn't need a law suit, because you could not pass the legislation.

Michelle Madoff:

What happens if the legislation is passed and the legislation is in the worst interest of the public? What if the public is being had, and there's no way for three of us or four of us of minorities to get things done? Who do you represent? I think it's pretty clear.

The Chair:

Roll call vote.

Mr. O'Malley:

The motion is to rescind the subpoena issued to Director Brown for the following reasons that I gave before, that there is no information available.

Mr. Flaherty:

I am oppose, and the reasons that I am opposed is because in the past half hour there has not been one mention of what is the origin of the subpoena and what is the issue at heart, and the issue at heart is, is this City being true to its commitment to minorities, to blacks, and to women as far as equitable participation in the awarding of contracts. Now, Councilman Robinson is the only minority member of this Council, and he's probably the member closest to the plights and the frustrations of the black community, and as a member who is generally regarded as the spokesman for black concerns on this Council, I feel that it is imperative that we support Councilman Robinson in this quest. I do not see any great concern as far as abuses of power. All Councilman Robinson is asking for is that Louise Brown appear with the pertinent information that he has requested.

In closing, I'm not going to get into the complexities and the intricacies of the arguments that we have heard in the past, and especially in the past half hour, but I am of a very strong conviction that what we are starting to see is a stacked deck in favor of quashing any meaningful investigation as to what this City's actual commitment has been to minorities.

Michelle Madoff:

I presume a no vote is to sustain the subpoenas? Is that correct, that's how you vote it?

The Chair:

Right.

Michelle Madoff:

No is to oppose Mr. O'Malley? Is that correct?

The Chair:

Mr. O'Malley made a motion to rescind. Aye to rescind, no not to rescind.

Michelle Madoff:

That's what I just said. I think it is a disgrace. I think the public is aware that bills are being passed in this Council, and we can't get information because the majority has cut a deal with the Administration. I vote no.

Mrs. Masloff:

I have not cut a deal with anybody, and my motion is aye.

Mr. O'Malley:

My motion is aye, and it's rather obvious by Mr. Flaherty's statement and Mrs. Madoff's statement that they don't have the slightest idea of what's going on here and what we've been discussing for the past half hour, so I'm going to try and clarify them, one more time.

Michelle Madoff:

We don't need any help from you. We don't need a translator. We already have a translator. We have Mr. Stone.

Mr. O'Malley:

Michelle, will you listen? Let me try and clarify this one more time about the subpoena. It says, "Moreover, the

documents requested in the subpoena from Director Brown are impossible to produce, because the Zoological Society Parks Commission issues no contracts, has no employees or staff, and accordingly, it cannot have an M.B.E. Program, so there is no reason for a subpoena in the first place." I vote aye to rescind it.

Mr. Robinson:

Mr. President and members of Council, I'm going to vote no. I'd like to explain briefly my comments. I think, first of all, we have a subpoena that is still in force. Mr. Pellegrini has been asked to review the materials that were voluntarily submitted to determine if they comply with the questions asked in the subpoenas, and I assume that he will be kind enough to come back to this Council next Monday with those answers.

As far the Zoological Parks Commission is concerned, I believe both Mr. Pellegrini and Mrs. Brown are incorrect in terms of what the responsibilities of the Zoological Parks Commission are. Both the President of this Council and the Chairperson of Parks and Recreation sit on the Zoological Parks Commission. I think they're well aware that the Zoological Parks Commission not only operates the Aviary but also operates the Zoo. I think everyone on this Council is aware that the Zoological Parks Commission almost every other week submits to this Council invoices for its business activities. I think everyone on this Council is aware that the Zoological Parks Commission does, in fact, operate the Zoo and does operate the Aviary. It's a known fact that both the Zoo and the Aviary have contracts that provide services, the selling of souvenirs, the selling of foodstuff. I don't think there's any doubt that the Zoological Parks Commission does do business and does do business

with people of the majority community and can do business with people in the minority community and can do business with women.

Also, I think that Council should be aware that the issue of who Mr. Pellegrini represents is not an issue that will end today. It is a very serious question of whether or not Mr. Pellegrini can represent Mrs. Brown, Reverend Simms, the Mayor, and this Council all at the same time.

I think it's also important to know that Reverend Simms was jeopardized and prejudiced in his appearance before this Council, because Mr. Pellegrini had more than enough opportunity to also request that Reverend Simms provide us the information voluntarily and ask Reverend Simms not to appear. He did not do that. Instead he chose to only advise Mrs. Brown not to legally appear and not to give the information by way of subpoena, and I would hope that Mr. Pellegrini would think on those terms and think on what I'm suggesting perhaps occurred, and I think that it's unfortunate that Reverend Simms did come before this Council and did make an honest attempt to give that information on the advice of Mr. Pellegrini, and then Mrs. Brown was advised to do the opposite.

One last comment on this matter. I don't think anyone on this Council should be led to believe that Mr. Pellegrini's opinions are rulings. Mr. Pellegrini is not a judge. Mr. Pellegrini is not authorized by any court or legislative body to give rulings, or make judgments, and every time we ask him for an opinion, we put him in a position of making a ruling, and he has on several occasions given us conflicting opinions, depending upon who asked for the opinion, depending upon the set of circumstances. It is not fair to Mr.

Pellegrini. It is not fair to the people of this City, and I would hope at the very earliest possible time that this Council and Mr. Pellegrini and the Mayor would sit down and try to work out a reasonable means by which he can serve both of us and serve us adequately. I vote no.

Mr. Stone:

Mr. President, if I may, I have indicated on more than one occasion that I think Council members are entitled to information, and in the pursuit for information, I have not done anything which would thwart that. When this matter came up of the subpoena, I at that time indicated I was opposed to seeking by subpoenas, and I think the record will indicate that I indicated that once you go into the subpoena, it's not like writing a letter, and what I predicted would happen did happen; and we went into a technical request, and when you send out a request by virtue of subpoena, as I indicated, it's not letter form, it's not something in a loose fashion, it has to be on target what you specifically want; and when you specifically say what you want and where you want it, then in that case you'll get a response.

Now, the City Solicitor in order to protect the Administration's position here and his interpretation of the Home Rule Charter has indicated, number one, particularly on Louise Brown as opposed to Reverend Simms, Reverend Simms was at a legislative meeting, and I think the City Solicitor has indicated that if Louise Brown were called to the legislative meeting, then she would have had to be sworn and testify at that time. She was called to a Committee meeting, so that is his contention on jurisdiction.

He did one other thing which I think is important, and that is he

indicated that, in spite of the subpoena, they were ready, willing, and able to give them information and would give that information. Now, the purpose for a subpoena and the purpose for all the background leading up to it was to get information. The information is now being supplied. As far as last Wednesday, I want it clearly understood I did not take a position one way or the other. I was only faced with what was before us at that particular point. We had a stalemate, and as the City Solicitor indicated by virtue of the Home Rule Charter, the breaking of that stalemate would be in the Commonwealth Court as far as the enforcement of the subpoena in view of where we had gotten with it. It is my belief that if all the information has been supplied that they say they have, then there's no worthwhile purpose in going any further with it to a court and expending funds. That's where I stand, and at this point, I'm in favor of the motion.

Mr. Woods:

I vote aye, and likewise, because I feel that the subpoenas were issued, got everybody's attention, and now we have the information, and I think they served their purpose.

The Chair:

Tragically, certain members of Council have chosen to make a racial issue out of the issuance of the subpoena, which I certainly resent. I vote aye.

Mr. Robinson:

Point of personal privilege. Mr. President, if you were referring to me, I would appreciate if the record would reflect —

The Chair:

I'm referring to Mr. Flaherty's statement and also to your statement. Mr. Flaherty and you make it sound like a racial issue in regard to minorities.

Mr. Robinson:

Thank you, Mr. President. Thank you, Mr. President, I want the record to reflect that, because I'd like to —

The Chair:

I think, if anything, we owe Mr. Simms an apology. He certainly has been in a —

Mr. Robinson:

Point of personal privilege. Point of personal privilege, Mr. President, if you don't mind. I think the record should reflect that the material that was submitted by Mrs. Brown through Mr. Pellegrini was not the material that was requested in the subpoena. It was not the material that was requested in the subpoena. We do not have that material. I did send a letter to Mrs. Brown last Wednesday requesting again the information that was requested in the subpoena, and I would assume, I would assume that she'll be more than happy to supply it.

Your comments about the racial aspect of it I think perhaps is reflective of your own sensitivity on this matter as opposed to anything that Councilman Robinson has said. I have not suggested or said that there was any racial implications, and I said so on Wednesday, Mr. President, and Mr. Stone perhaps will agree. That's why I want the record from Wednesday brought forward, that I felt that Reverend Simms was not treated the same way as Mrs. Brown. That is the truth. He was not treated the same way. Mr. Pellegrini has his opinion as to why that occurred. I have

not yet made up my mind as to why that has occurred.

The Chair:

That's all I said and nothing else, and my record speaks for itself on racial matters.

Mr. Robinson:

That's for sure.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Stone	(Pres't)

AYES 5 NOES 3

(MR. FLAHERTY, MICHELLE MADOFF, AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2693

Report of the Committee of Finance for March 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2596

Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Knickerbocker Russell Co., Inc. in the amount of \$1,620.00, Universal Oil Company in the amount of \$5,388.00, Monarch Oil Co., Inc., in the amount of \$2,256.76 and Weber Welding Supply Co. in the amount of \$1,348.22, totalling in the aggregate \$10,612.98 in payment for the rental of heaters and purchase of propane and kerosene used in connection with providing heat at the City garage; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2602

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Conn Construction Company, in the amount of Seventeen Thousand Nine Hundred Seventy Four Dollars and Thirty One Cents (\$17,974.31) in payment for Extra Work furnished for the benefit of the City in connection with the Wood Street Bridge Rehabilitation; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2603

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Domenic Parente Contractors, Inc., in the amount of One Thousand Seven Hundred Two Dollars and Forty Three Cents (\$1,702.43) in payment for Extra Work furnished for the benefit of the City in connection with the Concrete

Jumperwalk Construction on Whitworth Street from Southern Avenue to Boggs Avenue; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2604

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Montour Contracting Company, in the amount of Three Thousand Seven Hundred Eleven Dollars and Fifty Cents (\$3,711.50) in payment for Extra Work furnished for the benefit of the City in connection with the McCrory Way Parking Lot Construction - Also Irwin Street; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2612

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pena-Plas Company, 3917 No. Neville Street, Pittsburgh, PA 15215, in the amount of \$1,416.87 in payment for Plumbing Material required for piping to remove residue from Treatment Plant Clarifier furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2613

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Heath Consultants Inc., Rt. 51, R.D.#4, Belle Vernon, PA 15012 in the

amount of \$345.00, in payment for repair of Two Magnetic Gate and Curb Box Locaters furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2614

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Thomas DiDiano Construction Co. in the amount of \$6,715.00 in payment for work performed at Paulson Avenue Swimming Pool, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2615

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of W. G. Tomko and Son, Inc., in the amount of \$1,766.71 in payment for work performed at Northgate Park Pool and Bathhouse, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES 0

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2621

A Resolution entitled, "Resolution requesting the President of Council to enforce Article 3, Section 307 (Committees) of the Home Rule Charter, City of Pittsburgh."

Which was read.

Mr. O'Malley:

Mr. President, I think it should be read into the minutes the Solicitor's answer to Council's request that if, in fact, we are in compliance with the Home Rule Charter, and this is what I received from Mr. Pellegrini. It states, "you have requested an opinion as to whether or not Council's present committee system is in violation of Article 3, Section 307 of the Home Rule Charter. Section 307 of the Home Rule Charter provides that the President of Council shall promptly following the election appoint any necessary committees. Committees shall be composed of at least three members, who shall serve for the term of the Council President, unless the committee is earlier dissolved by the Council President. All members of Council may attend and participate in the Committee meetings. Only Committee members

shall be permitted to vote." It states here, "Council's present system is a committee of the whole whereby the President of Council appoints a chairman of the committee, and the rest of the Council members are appointed to that committee. Accordingly, it is the opinion of this Department that since each standing committee of Council has at least three members, the present system of standing committees is in conformance with Section 307 of the Home Rule Charter."

Mr. Robinson:

Mr. President, if I might, in response to the Solicitor's opinion, the record should reflect that Mr. Pellegrini did not include with his opinion any specific citations of law or rules to indicate that, indeed, we are in compliance with Article 3, Section 307. I specifically make reference to the fact that under the rules of Council, which we adopted in 1982, and to my knowledge will run until 1984, Rule 9B on page 6 reads, "Each standing committee shall be composed of all the members of Council. The chairman of each committee shall be designated by the President of Council to serve for the same length of the term or terms for which the President of Council is elected." I would assume that Mr. Pellegrini is making reference to that rule but did not include it in his opinion.

My point is that the rules of Council do not supersede the Home Rule Charter. The rules of Council are to be enforced and enacted in accordance with the Charter. Now, perhaps we have a problem with these rules inasmuch as the copy of the rules that we approved in 1982 were dated 1978 and to my knowledge have not been updated and not brought into conformance with the Home Rule Charter; so my point is still that we are not in compliance with Article 3,

Section 307, and perhaps we need to update our rules so that they are in conformance.

Just one other point, if I might, on this matter. Again, I would like to caution Council not to take Mr. Pellegrini's opinions as rulings. They are opinions, and I think we should view them in that light, and that is why I raise with this Council Rule 9B on page 6 so that you might utilize that section to see whether or not we're in compliance with Article 3, Section 307.

Michelle Madoff:

For the record. I spoke to an attorney who is prepared to give me a written opinion which says that the Home Rule Charter says that each committee should have three people, meaning that we meet prior to the Finance meeting, discuss, and have input from more than one person, and then come to the Finance Committee meeting with some input and ask questions on issues that we don't have. I think the reason the Finance meetings take so long is that we don't have enough staff or input.

Mr. Robinson:

I'm going to vote aye, and I'd just like to add one other word of explanation. If this Council has been impressed by Mr. Pellegrini's opinion and if this Council believes that there are already nine members on each Council, I would ask this Council to identify for me where in the public record the President of this Council, Mr. DePasquale, ever appointed every member of this Council to everyone else's committee. Since we are so concerned, it appears from Wednesday's vote, that we act as a committee as a whole, Councilman Robinson next Monday will introduce a bill asking the President of Council to

appoint everyone to everyone else's committee with the full understanding that we will then obey the rules of Council relative to committee meetings and committee votes. I vote aye on 2621.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson
Michelle Madoff

AYES 2 NOES 6

(MR. FLAHERTY, MRS. MASLOFF, MR. O'MALLEY, MR. STONE, MR. WOODS, AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also,

Bill No. 2622

A Resolution entitled, "Resolution amending Section 11 of Resolution No. 1420, effective December 31, 1980, as previously amended by Resolution Nos. 559 and 835 of 1981, and by Resolution Nos. 417 and 830 of 1982 entitled 'Providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the 1981 Community Development Block Grant Program' so as to decrease line item PW-81-35 'McKinley Park Steps' from \$140,000 to \$112,944.79 (-

\$27,055.21); and further, to decrease line item PW-81-25 'Lower North Side Traffic Plan Implementation' from \$200,000 to \$154,051.19 (-\$45,948.81); and further to increase overall grant amount from \$24,925,351.91 to \$25,121,582.46 (+\$196,230.55 returned from the Department of Housing and Urban Development to City); and further, to add a new line item PW-81-12 'Warrington Avenue.'

Which was read.

Also,

Bill No. 2654

A Resolution entitled, "Resolution authorizing an Emergency Jobs Program; authorizing the City Controller to create a special trust fund entitled 'Emergency Jobs Program Trust Fund' (EJPTF); authorizing the transfer into the Emergency Jobs Program Trust Fund of one million, seven hundred fifty thousand dollars (\$1,750,000) from the Department of Personnel Code Account 1100-1 Transfer to Emergency Jobs Program Trust Fund; authorizing the Director of the Department of Personnel and Civil Service to make all legitimate expenditures from the Emergency Jobs Program Trust Fund for the purpose of employing unemployed heads of households in the Trust Fund for the purpose of employing heads of households in the City of Pittsburgh; and authorizing the Mayor and the Director of the Department of Personnel and Civil Service to enter into an Agreement or Agreements with the Pittsburgh Clean City Committee at a cost not to exceed \$1,100,000, payable from Emergency Jobs Program Trust Fund."

Which was read.

Mr. Robinson:

On 2654, I would like to have my comments forwarded from last Wednesday's meeting, and just reiterate my concern that while this program is perhaps a good step in the direction of trying to alleviate some of the unemployment problems in our City, the unemployment problem is a massive problem and relates to creating permanent jobs. That is the reason I introduced a bill today to reopen the budget so we might examine the true rate of the surplus and examine where we might apply additional funds to permanent job creation.

(MR. ROBINSONS' REMARKS ON BILL NO. 2654 FROM THE MEETING OF WEDNESDAY, MARCH 9, 1983:)

Mr. Robinson:

Point of information. Mr. Stone, does Council Bill, and perhaps Mr. Johnson can answer this for us too, does Council Bill 2655 reopen the budget?

The Chair:

Where are you looking?

Mr. Robinson:

Bill 2655, does that reopen the budget?

The Chair:

Yes. What is happening is that you are opening the budget to increase it by the increase that we got on the sale. You are then using the increase money to put into a special trust fund to finance the Emergency Jobs Program.

Mr. Robinson:

My follow-up question then is that if we pass 2655, is the budget process opened up for consideration of all items

that were considered for the 1983 budget, all taxes, all revenues?

The Chair:

The Mayor is asking for the budget to be opened for this purpose, and, to be honest with you, I don't know if that is a general opening or a specific. I think that is your question.

Mr. Robinson:

Okay. I think that question needs to be answered before we take any action on Bill 2655 because if we are reopening the budget, then there are some other items that I would like to have discussed. If we are going to open it for this one item, then I would like to have it open for some other items.

The Chair:

Alright, let me ask this question now. I think all of you must realize that this is an important proposition program, and we must move with dispatch. I don't want to go into a long dissertation on it, let me just give some highlights if I may.

There are some 170 jobs involved. These people will be paid comparable wages for the six months that are there. In addition, they would qualify for unemployment compensation afterwards, which gives to them monies over a long haul, and, in an important occasion the way this is done, it is trying to take care of those who would be less able to take care of themselves at this point. Namely, if there is no one employed in the family past a certain more or less full-time employment, then those are the people who would qualify and will be 18 years and older.

This is an important program. It also addresses some things with the Pittsburgh Clean City Committee that

are not done ordinarily and need to be done to help and protect this city and to beautify it. The program is a very good one, and I would hope that we could pass this as soon as possible. I am questioning, for you, Mr. Robinson, if it turns out that it is for the single purpose, whether that creates a problem at this point.

Mr. Robinson:

I'll tell you why it would create a problem.

The Chair:

What I was going to suggest is that we pass it, and, if it turns out that it is general and then it is a question of bringing more in, then we can. But, if we think it is not, then the program ought to go.

Mr. Robinson:

Let me explain to you my unreadiness. I have no problems with Bill 2654, other than I think Council needs to be a little bit more aware of the procedures, and I think some questions need to be raised about who are going to be these 170 people and are they the most needy. I have no problems with the general intent.

The Chair:

Pardon me for a minute. Relative to who it is, in fairness to the Mayor under this program, it is designed to get to those where there is no employment in the house, or at least—assuming someone is doing 20 hours, that is not considered full employment, so there has to be a lack of a substantial income in the house. There is to be a receipt of applications from everyone, and there is, as might be expected, going to be a lot of them. It is then to be put on a

computer and to be randomly selected so that no one has any choice in it, other than a mechanical thing, so that it is done that no one can say this one put that person in, or that one put that in. That was one of the things that the Mayor was trying to protect because, obviously, when you are into this kind of program he was trying to be as fair as he might in selection.

Mr. Robinson:

Okay, beyond those concerns, and I still think they are valid concerns because this Council did not get sufficient information prior to this program being put together or implemented; I think here is another example of why we need a committee system—we are talking about the worthiness of this project, as opposed to whether it is fiscally sound and whether or not it is servicing the people that need to be served.

I am more concerned about Bill 2655, and I am concerned because of our actions on Monday to rush through the Mayor's request to transfer monies, carry over monies from 1982 to 1983. We did that in the face of requests from this Council—

Michelle Madoff:

No, we didn't do it.

The Chair:

Michelle, you are out of order. Please, let him finish.

Mr. Robinson:

This Council passed legislation to approve that carry-over request when there was obviously an adjustment in the surplus. We did that without any knowledge of how that adjustment was

made, we did that without the proper information from the Mayor, the treasurer or the financial people. There is an \$18 million surplus, originally there was supposed to be \$16 million. I think that that surplus is probably between \$20 million and \$25 million. If we are going to have a jobs program, maybe we need more than \$1 million. Maybe if there is a \$5 million or \$6 million surplus that is still available, we ought to take that surplus money and create some more jobs, whether it be with the Clean City Committee, within city government, or with some other agencies.

My point very specifically is, if we are going to open the budget to make this adjustment, it should not be done until we get the appropriate information from Mr. Schillo, Mr. Schmeiser and the Mayor, and, until we get an accurate calculation of what this city's surplus actually is. We do not know at this time what that surplus is. Again, I think we will be acting in a fiscally irresponsible fashion to pass this bill simply because it is worthy. On numerous occasions, Mr. Chairman, you have admonished me for introducing bills that are noble and worthy, but haven't been thought out properly. I think this bill, 2655, is an example of that. We are getting in some extra money, and we obviously need it, and out of the clear blue sky we create a program for 170 people without any knowledge at all of how this impacts on our surplus.

I cannot support that kind of progress and that kind of procedure, regardless of the worthiness, and I don't think the worthiness of this has anything to do with it. If we can pass a carry-over bill without adequate information from the administration, and not concern ourselves about it at all, then I think we need to pause at this point because we are getting ready to do the same thing again because it is worthy.

I think we need to deal with fiscal responsibility, and I am very serious about this. If the budget is opened by 2655, then I want to reconsider all the items that we considered in 1982 for the 1983 budget. That is the way it is supposed to be done. If there is another opportunity to reopen the budget, then I think this Council ought to do that, and we ought to get that kind of information from the administration that we have requested before we take any action on 2654 or 2655. I don't see how we can be making decisions on millions and millions of taxpayers' dollars without the appropriate information and without even being concerned that our finance director, our treasurer and the Mayor have not even bothered to supply it to us. We have no written communication indicating that the administration will ever respond to our request to let us know what the surplus actually is.

If we have a surplus, maybe we can create more than 170 jobs. There are thousands of people out there who are out of work. In the minority community it is double what it is in the majority community.

I don't think we are acting in a responsible fashion, and I would respectfully request that before we take any action on 2655, that we get some serious clarification as to whether or not we are reopening the budget, and, if so, that we consider what the total surplus is and consider taking that total surplus and putting it in some sort of fund to create jobs.

Mr. DePasquale:

Point of order, Mr. Chairman. By holding up the bill, are we going to delay the program?

The Chair:

I would say yes.

Mr. Robinson:

The program was delayed by the administration, Mr. DePaquale. The Mayor set this program up. I don't believe anybody on this Council, other than Mr. Stone, even knew it was coming down the pike. That is not fair, that is not even fair.

Mr. DePasquale:

How can you say that, Mr. Robinson? We've known about this program for the last eight months.

Mr. Robinson:

No, we have not.

Mr. DePasquale:

I certainly knew about it, it was no big secret.

Mr. Robinson:

Do you know what the budget surplus is? No one at this table can tell me what the budget surplus is and how it was calculated.

The Chair:

It is my understanding that the budget surplus is in the neighborhood of \$18 million.

(END, MR. ROBINSONS' REMARKS ON BILL NO. 2654, 3/9/83)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2655

A Resolution entitled, "Resolution amending Resolution No. 1383 of 1982, making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh for the fiscal year beginning January 1, 1983, by increasing the revenue estimate for the Deed Transfer Tax to three million three hundred and eighty thousand dollars (\$3,380,000) and by creating Code Account No. 1100-1 entitled "Transfer to Emergency Job Program Trust Fund", within the Department of Personnel."

Which was read.

Michelle Madoff:

I am voting aye on all bills, but I would like to point out that we have not had that information available yet on the \$18 million transfer from the '82 budget to the '83, and there might be more money for the jobs program since we have this almost \$20 million surplus.

Mr. Robinson:

Aye on all on bills except 2655. We

have not yet received from the Mayor's Office, from the Treasurer, or the Finance Director the information we requested on how the surplus from last year was calculated and also how this \$1.7 million was calculated that would come out of the deed transfer tax. It seems to me until we get that kind of information that it is inappropriate to do what we are doing. Also, the City Solicitor was supposed to give us an opinion as to whether or not 2655 reopens the budget. I believe that Council Bill 2655 reopens the budget. I don't know if any other member of Council received an opinion from Mr. Pellegrini, but under these circumstances, I could not support 2655. My vote is no.

Michelle Madoff:

What did the opinion say? Is it open or not open?

Mr. Robinson:

We have not received an opinion from the Solicitor.

Mr. Stone:

Mr. President, aye on all bills, and this comment on Bill 2654. There has been a meaningful desire that we do something about unemployment, and it is quite obvious that if the federal government is cutting out 1,000 jobs, we cannot possibly pick up those jobs; but on the deed transfer matter, with regard to the Dravo Building, our original estimate was \$1 million. It came in at \$2.7 million. This is a windfall, so to speak. It is a one-time revenue increase, and this is something we don't have to tax additionally for. It is a one-shot income this year. It's an opportunity for us to supply employment for those hardcore individuals who do not have any employment in their homes at all. It will

give 170 jobs for six months to those individuals and give them the opportunity to then still seek income out of unemployment compensation. It is not the answer to it all, and I think the Mayor, myself, and this Council obviously have to be appreciative of that, but yet it is, with the available moneys where we found some funds, a step in the right direction to try to do what we can with what we have; and I am pleased as this point, as I see this vote will pass, I think it is a step in the right direction for the City of Pittsburgh.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Stone:

Pardon me, if I may, just one additional thing, since that's passed. Everybody should know, and if you have anybody who needs it, they're starting to accept applications for this whole week, and they'll be handed in on the 19th of March, and whoever's within hearing

distance, it's open to everyone; and in fairness to the Mayor, what he's attempted to do under this program, there will be no opportunity for anyone to pick one. It will be done in a random extraction from the computer, so that we try as much possible that there be no favoritism anywhere along the line, and I think the Mayor's to be commended on that selection.

Mr. Woods:

Bob, I hope you're wrong, because I've been telling everybody, and I read in the newspaper that you can't even apply until March 19th.

Mr. Stone:

No, you get the application, and then it you file it on the 19th.

The Chair:

They're taking applications in several places. Now one's in the lobby of the City-County Building.

Mr. Stone:

You'll be able the whole week to pick up the application.

Mr. Woods:

When was this in the press? Is that what is says?

The Chair:

It was in the paper over the weekend.

Mr. Stone:

What you're going to be able to do, and this is intended to save time, you'll fill it out at home, and then you'll bring it in on the 19th, so everyone has the

same time in which to do it. Whether you're first or last in submitting it will not make any difference. It's not first come, first serve.

Michelle Madoff:

May I ask Mr. Stone a question? Mr. Stone, when the information comes to us with a surplus, is there a chance that we could have more than a million dollars for an employment program?

Mr. Stone:

I think it's \$1.7 million.

Michelle Madoff:

Yes, I know. Is there a chance we can have \$3.7 million, since we weren't going to have any surplus at all, and I predicted 15.3, it was 16.5; it's now 18. Is there a chance it could go to \$3 million?

Mr. Stone:

Well, I think you have to look at those things where you're coming in a budgetary thing. Michelle, I'm kind of frustrated in giving you an explanation, because even if I tell you, somehow you're not going to accept it. A budget should be considered in a two-year period, and —

Michelle Madoff:

Then why do you always hold hearings in November and not in January?

Mr. Stone:

Mr. President, I'll leave it with that.

Michelle Madoff:

I think it's important that the public know that that money was passed, moved from one year to the next with three Council members abstaining, but the majority ruled, and we were had; the public was had.

Mr. Stone:

Yet some people voted to put the City of Pittsburgh in debt and didn't have the intestinal fortitude to vote for revenues to pay the debt.

The Chair:

It won't do any good, Mr. Stone.

Michelle Madoff:

I think people know what's going on.

Mr. Stone:

I hope they do.

Mr. O'Malley:

I certainly hope so.

Michelle Madoff:

I certainly think they do.

Mr. Flaherty for Mr. Givens presented

Bill No. 2694

Report of the Committee on Public Works for March 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2605

A Resolution entitled, "Resolution providing for an Agreement or Agreements with D'Appolonia Consulting Engineers for Engineering Services in connection with the Route 51 Rockfall; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2606

A Resolution entitled, "Resolution further amending Resolution No. 201, approved February 26, 1981, effective March 6, 1981, as amended by Resolution No. 644, approved July 8, 1981, effective July 13, 1981, as amended by Resolution No. 1259, approved December 3, 1981, effective December 11, 1981, as amended by Resolution No. 25, approved February 3, 1982, effective February 12, 1982, entitled 'Authorizing the City Treasurer, on behalf of the City of Pittsburgh, to accept funds from the Port Authority of Allegheny County, the Urban Redevelopment Authority, and the Pennsylvania Department of Transportation, for Consulting Services in conjunction with the Transportation Coordination for the Central Business District; providing for the creation of a Trust Fund for receipt and payment of the respective shares; and providing for an Agreement or Agreements with the above mentioned parties in connection with the Transportation Coordination of the Central Business District,' by increasing the total allocation by Fifteen Thousand (\$15,000.00) Dollars."

Which was read.

Also,

Bill No. 2607

A Resolution entitled, "Resolution

further amending Resolution No. 1445, approved December 29, 1981, effective January 1, 1982, as amended by Resolution No. 321, approved April 15, 1982, effective April 23, 1982, as amended by Resolution No. 725, approved July 12, 1982, effective July 21, 1982, as amended by Resolution No. 775, approved July 30, 1982, effective August 12, 1982, as amended by Resolution No. 1002, approved October 1, 1982, effective October 14, 1982, as amended by Resolution No. 1346, approved December 22, 1982, effective December 31, 1982, entitled 'Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program,' by redefining the funding sources."

Which was read.

Also,

Bill No. 2608

A Resolution entitled, "Resolution amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, entitled 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by redefining the funding sources."

Which was read.

Also,

Bill No. 2623

A Resolution entitled, "Resolution establishing a Cable Communications Training and Internship Program for the City of Pittsburgh."

Which was read.

Mr. Robinson:

Mr. President, on 2623, I'd like to make an amendment. Council will remember, at the session on Wednesday, there was some concern that our Public Works Department, our Cable Bureau, was not in a position to implement the program contained in that bill because of some restrictions of finances, etc. I think the financial issue can be addressed because there is money in the budget, but in terms of getting assistance from outside organizations, I'd like to amend Section 1 to read, "The Director of the Department of Public Works and the Superintendent of the Cable Bureau, are authorized and directed to develop and establish a Cable Communications Internship Program for the City of Pittsburgh in conjunction and under contract with agencies, organizations and groups".

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone:

One more comment, if I may. On 2623, I'm going to vote for it but with the understanding as was brought out on Wednesday that in fairness, he said he can't implement it for six months this year. The program I have no problems with. But when he tells you that he can't put it in, you can't then ball him out for not doing it. That's the point I'm making and as long as that's understood, I'll vote for it.

Mr. Flaherty:

I'm in opposition to Bill 2623 which provides for the Cable Communication Internship Program for the City of Pittsburgh.

The reason why I am opposed is

that I cannot see the pertinence of each member of Council having an intern in regard to the cable operation here in the City of Pittsburgh. It's my understanding that Warner Cable has a workshop that provides an opportunity for those in the community that have an interest to actually produce their shows there and through communications that I have had with Warner Cable I am even surprised at the leeway and I commend Warner Cable for the leeway that they do extend to the community.

I can't see the relevance of members of Council having a cable intern. I can certainly see the relevance, perhaps, if members of Council had an intern, perhaps, from one of our universities to assist us with our councilmanic responsibilities, but I think we are getting off the track by having a cable intern work with us. I don't think I can give any advice to a cable intern. I don't know hardly anything in regard to cable production. I don't know what advice a cable intern can give to us as to our official duties on Council other than how we may look on TV and what we should do to come across in a more enhancing fashion on TV. That's all well and good for all public officials but I don't think that should receive the official imprimatur of this Council that we have individuals telling us how we should look on TV. I think that's what we have consultants for, the political consultants, and I think they should be hired with private independent money.

So, I'm really at a loss. I have heard the reasons why this is a good program but I can't fully comprehend their meaning nor do I agree with them.

The Chair:

Excuse me. Are these interns going to be paid? Can anybody answer that question?

Mr. Stone:

Yes, they will be paid.

The Chair:

They'll be paid during the training period? I wasn't sure.

Mr. Robinson:

Mr. President, if I might. As the sponsor of the bill, I'd like to respond to Mr. Flaherty's concerns. With all due respect to Councilman Flaherty, I can appreciate his lack of information and understanding of cable communications. It is a relatively new technology and I'm sure that many of us have had our first experience with cable by sitting here and having the cameras pointed at us. So, I understand Councilman Flaherty's unreadiness relative to this new technology. Many people are unfamiliar with all these applications and ramifications. I don't think there's anything in the bill which suggests that this is being done for any political reason or any political purpose. I think one example of what I'm saying is the fact that there is not any time restrictions. This is not geared towards making this program available within the next two months or the next six months and I can understand Mr. Flaherty's, perhaps, unreadiness relative, perhaps, to his own campaign and his anxiety in that regard. But let me assure Mr. Flaherty and other members of this Council that certainly we are in a new technological age, and a new technological age relative to communications. What I am proposing is consistent with what is being done across the country at the local level, state level, and at the national level, and this is only intended to provide to members of Council one more tool, to provide to the City one more tool, to be able to do our job a whole lot better.

Just as Mr. Stone, in his wisdom, has made provisions for us to get word processors and be familiar with computers, I'm simply trying to bring us into the modern era and I would hope that Councilmembers would view it in that light and not see this as some attempt to put on some grand production, political or otherwise. I don't think any of us here would be selfish enough to create a program for our own political grandiosement or an order that our own egos and vanity would be stroked. And I certainly am not attempting to do that and I would hope that members of this Council would look at this as simply one more attempt to serve the people of the City of Pittsburgh.

Michelle Madoff:

Mr. President, the City has a merit Civil Service, Council has a patronage system. When it came my turn to choose, I refused. I turned it over to Mike Perry and said, "Mike, you run City Council staff, you pick whoever you want. Just make sure that they go through the merit Civil Service test and they're qualified."

My concern with this bill, Mr. Robinson, is Section 3. The Internship Program shall be designated to accomplish the following, —

Mr. O'Malley:

Point of order, Mr. President, point of order.

Michelle Madoff:

I'm asking Mr. Robinson a question if you don't mind please.

Mr. O'Malley:

Point of order, Michelle. The vote

has already been called for, there can be no more discussion.

Michelle Madoff:

I cannot vote without this information. You interrupt all the time to ask questions.

Mr. O'Malley:

I'm just saying that Robert's Rules of Order says that —

Michelle Madoff:

I need some information before I can vote.

The Chair:

Tell us why you're for or against it, Michelle. We're not going to debate it, okay?

Michelle Madoff:

Mr. Robinson, would you be willing to —

The Chair:

No more debate. You're out of order, Michelle.

Michelle Madoff:

Mr. Robinson, would you be willing to provide one internship for each member of Council and just leave it at that?

The Chair:

Go on with the vote.

Michelle Madoff:

Would you be willing to change the language there?

Mr. Stone:

Point of order.

The Chair:

Point of order. Go on with the vote, please.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2642

A Resolution entitled, "Resolution providing for the waiver of the residency requirement for Paul J. McDermott to be employed on a month-to-month basis until 1 September 1983 as Assistant Director of Engineering, Department of Public Works."

Which was read.

Mr. O'Malley:

Mr. President, I would like to make an amendment on Bill 2642 and I'll state my reasons for the amendment, and the amendment reads, retroactive from January 7th up until July 1, 1983 which cuts the original bill on Mr. McDermott's extension by two months, and allow him an additional four months to find residency in the City of Pittsburgh.

The reason for that, it was always my opinion that everybody's expendable, but in this case, after talking extensively to Lou Gaetano, the Director of Public Works, and Mayor Caliguri, I asked him to furnish a list of reasons why Mr. McDermott's employment with the City of Pittsburgh was so essential, and this was the answer that I received, and I'd like to have it read into the record. "The importance of Paul McDermott to the Bureau of Engineering and the City of Pittsburgh is presently emphasized by the current Department of Public Works load and this level of involvement in major projects that are so critical to the City of Pittsburgh." Now, the following is a number of projects that are most likely to involve extensive law suits and will require Mr. McDermott's expertise. First, the Bloomfield Bridge toxic hazardous waste. His expertise is needed for the resolvment of the toxic hazardous waste situation which still needs to be resolved. He is currently attempting to obtain federal funding assistance for the already removed waste material and for the material that is still buried on the site, which must be removed at completion of construction of Pier 4. L.R.T. subway project. Paul has always been the City's representative and project coordinator for this very large project. His efforts to protect the City's interests as they relate to this project has been and is invaluable due to possible settlement of problems in the vicinity of the subway construction on Liberty and Sixth Avenue. His expertise again will be needed. Route 51

rockslide. Immediately following the terrible accident on February 16th, I assigned Mr. McDermott total responsibility for the clean-up efforts. There are already law suits filed, and it's pretty certain that additional suits will follow. Mr. McDermott will be required to testify. The Department of Public Works is now experiencing the largest Capital Construction Program in its history with major projects as the Bloomfield Bridge, McArdle Roadway, Forbes Avenue Bridge, Saw Mill Run Sewer Project, and Route 51 rockslide all under construction, such major projects as Grant Street reconstruction, Warrington Avenue reconstruction, Arlington Avenue design, and the Pennsylvania Bridge about to begin construction. Mr. McDermott's presence on the Department of Public Works staff cannot be overemphasized. At the same time, Pennsylvania Department of Transportation is about to begin construction on Crosstown, North Shore, and North Hills Expressway. It must be coordinated with the Department of Public Works as they relate to our streets and sanitary drainage, numerous involvements with our streets, and our traffic control. Paul is currently in the midst of reorganizing plans for the Bureau of Engineering to attempt to reduce the amount of our construction extras and overruns. So myself, I'm going to leave personalities out this. I feel that Mr. McDermott personally had enough time to move into the City, but under request of Mr. Gaetano and the Mayor of the City of Pittsburgh, I'm going to vote aye for an additional four months, only because I feel it's imperative for the City, and leave personalities out of it.

Mr. Woods:

I'd like to add one thing in there if I may, Jim. That is "no longer." In other words, I don't want to here about this

again. If he doesn't have it by the end of that time, I want to add in there "no longer." Would that be acceptable to you, Mr. President?

The Chair:

I don't know if that's necessary. It's four months.

Mr. Woods:

I'd like to add one other thing. I believe Mr. Flaherty at last Wednesday's meeting asked the question was he paying wage tax. We were all told no. He has been paying wage tax since he's been employed by the City of Pittsburgh, voluntarily, and he never asked to quit. I think we owe him this courtesy.

Michelle Madoff:

For the record, thank you, Mr. O'Malley, for repeating what I said initially.

The Chair:

Question called for on the amendment.

Mr. Flaherty:

I am opposed and the reason that I am opposed is that it is unfortunate that often times the word importance is used in very relative terms. We have just heard a glowing endorsement of how important Paul McDermott's job is. I'm sure that it is important but in terms of the relative relationship, it is no more important than the job that the fire personnel have or police personnel or the refuse worker or even the lowest paid laborer has in this City. Where importance does play into this matter is that Paul McDermott is fortunate enough to have very powerful and, in a relative sense, very important backers.

Otherwise, the average rank and file employee out of our work force of five thousand would not be given the time of day on this issue. It's very preferential treatment, very elitist treatment, and it should send repercussions throughout the workforce of this City because it is just bad policy, it lets off a bad symbol, and it's bad for morale.

Secondly of all, we're talking about an individual that's in the top one percent of the pay bracket for City employees. That alone shows that it is receiving even more preferential treatment.

I submit that the bottom line is that this Council, as a body, has already put itself on the line, has already acted in what I consider a most critical fashion by granting Mr. McDermott a half year extension. Now we're going to add insult to injury, throw salt in the wounds, and grant the individual another extension. I would venture to say that in four months if he still has not found a place in the City, there would probably still be sentiment on this Council to give him another exception. I believe it's discriminatory to the 4,999 other City employees and I urge my colleagues to vote for what is good for the entire City payroll, not one selected individual who has some big guns behind him.

Michelle Madoff:

Thank you for the compliment, Mr. Flaherty. I didn't know that I had friends in high and powerful places. I always felt that I was discriminated against. As a matter of fact, I was promised the endorsement by the powers that be and never got it. I don't think I really have that kind of support. I vote for Mr. McDermott because I know him personally, I knew him before he joined the City, I know his qualifications. I know we're going to be involved in

litigation. I think we're going to need him to protect the best interest of all the employees of this City. And that's why I vote for him.

The Chair:

I wonder if we could vote without anymore emotional outbursts, please. Just aye or nay.
Michelle Madoff:

I'm not emotional. I'm just stating a fact.

Mr. O'Malley:

I vote aye and I'd like to say that Councilman Flaherty gives grand speeches but I still have to put what I feel is in the best interest of the City of Pittsburgh first.

Mr. Robinson:

I have to vote no. As Council is aware, I've said on several occasions that the original request for Mr. McDermott to be given a six month extension was sponsored by myself. I felt the six months was more than enough time. Mr. McDermott did not meet the requirements. As far as I'm concerned, he was terminated from employment the day the six months expired and I don't think it's fair or proper or respectful of our other City employees to let him go any further. I vote no and I'd like to have my comments from last Wednesday brought forward, please.

(BEGINNING - MR. ROBINSONS' REMARKS ON BILL NO. 2642 - 3/9/83)

Mr. Robinson:

Comment, if I might, on the bill itself. I would just like to say that as the person who made the original motion to extend Mr. McDermott's time for six

months, I am a bit perplexed because I do understand all the emotional and financial ramifications, as well as the issue of service to the city. But, it seems to me that six months was more than enough time because I believe Council originally was not going to allow Mr. McDermott to become an employee because he was not a city resident. We made a compromise and we voted for that unanimously, except for Mr. Stone who has been consistent in voting no if you don't live in the city. I think that it would be very difficult for me, at this point, to vote for any further extension. If Mr. McDermott is that necessary to the city, I am willing to pay the extra money for his expertise, and I think the people of the city would be willing to.

If Mr. McDermott wants to be a city employee bad enough, he should sell his house and take the loss because there are people within our city who have to be protected. I cannot support the extension, and I have no personal problems with Mr. McDermott, and I have shared these concerns with him in person.

(END - MR. ROBINSONS' REMARKS ON BILL NO. 2642, 3/9/83)

Mr. Stone:

I think everybody knows how I will vote before I even cast the vote, but let me recite it again, if I may. I have never voted for any non-City resident for any position in the City of Pittsburgh. To my knowledge, I hold a very distinguished record and I will not break that record so long as I'm on City Council. I have never voted for any waivers and after having said that, let me say this much. How I am voting is because of my strong convictions that there are 420,000 people in the City of Pittsburgh and they ought to be given first preference on any jobs in the City of Pittsburgh. But that is in

no way an attack, personally or otherwise, on the qualifications of Mr. McDermott. I vote no.

The Chair:

Mr. Stone, your speech is a matter of record. We've held that about twenty times.

Michelle Madoff:

You never smile when I repeat things twenty times, you're smiling when he repeats things twenty times. Can I have a smile?

The Chair:

I've corrected you, too.

Michelle Madoff:

I know but could I have a smile when you do it? You smiled when you corrected him. I want the same kind of smile.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Robinson
	(Pres't)

AYES 6 NOES 2

(MR. FLAHERTY AND MR. STONE
VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 2695

Report of the Committee on Planning, Housing and Development for March 9, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 1741

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 6 by changing from "S" Special and "R4" Multiple-Family Residence Districts to "M3" Light Industrial District all that certain property bounded by: VINIAL STREET; VOSKAMP STREET; the southerly and easterly zoning district boundary line of the "M3" Light Industrial District east of VOSKAMP STREET and north of VINIAL STREET; Lot No. 318 and No. 333, Block 24-F in the Allegheny County Block and Lot System, 24th Ward."

Which was read.

The Chair:

This has a negative recommendation. If you're in favor of the bill, vote aye. If you're opposed, vote nay.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. DePasquale
(Pres't)

AYES 1 NOES 7

VOTING NO:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mr. Woods presented

Bill No. 2696

Report of the Committee on Supplies for March 9, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2620

A Resolution entitled, "Resolution providing for the letting of a Contract, or for the use of existing Contracts, for the furnishing and delivery of approximately one (1) Brush Chipper, for the Department of Parks and Recreation, and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2697

Report of the Committee on Parks and Recreation for March 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2616

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for lighting installation or replacement at various park facilities including Ream Gym and Granville Basketball Court; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2617

A Resolution entitled, "Resolution amending Resolution No. 826 effective August 20, 1982 entitled 'Providing for an Agreement or Agreements or the use of existing Agreements for professional services in connection with the programming for the development of the new Pittsburgh Zoo, and providing for the cost thereof;' by increasing the amount provided from \$12,000.00 to \$18,000.00."

Which was read.

Also,

Bill No. 2618

A Resolution entitled, "Resolution providing for a license Agreement with Duquesne Light Co. to install, use, operate, maintain, repair, renew and finally remove poles, cross arms, guys, appurtenances in connection with the electrical service to the Ormsby Recreation Center."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2698

Report of the Committee on Lands and Buildings for March 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2539

A Resolution entitled, "Resolution providing for a Contract or Contracts including the use of existing Contracts for construction in connection with renovations and rehabilitation of various Emergency Medical Services' facilities and providing for the payment of the cost thereof."

Which was read.

Mr. Stone:

On Bill 2539, I'd like to move for a new Section 2, and then Section 2 will be the new 3. Section 2 is to read as follows: "The third party payer trust fund, Department of Emergency Medical Services, shall be reimbursed from the proceeds of the 1983 bond sale."

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

Bill No. 2597

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a professional Real Estate Appraiser or Appraisers for real estate appraisal services in connection with the purchase or sale of real property by the City for the calendar year of 1983 and providing for the payment thereof."

Which was read.

Also,

Bill No. 2598

Resolution repealing Item C of Resolution number 565, approved June 25, 1980, which authorized the sale of property in the 15th Ward, being a vacant lot and a 2-1/2 Story Frame house at 4540 Gladstone Street, designated as Block 55-P, Lots 271-273, to Bradley R. Lanese, for the sum of \$750.00. (Reduced from \$2,000.00).

Which was read.

Also,

Bill No. 2599

Resolution repealing Item A of Resolution number 673, approved July 25, 1980, which authorized the sale of property in the 12th Ward, being a vacant lot on Carver Street, near Lowell Street, designated as Block 125-B, Lot 164, to Clarence Underwood, as Trustee for Clarence Underwood, Jr. and Clarence Underwood, for the sum of \$550.00.

Which was read.

Also,

Bill No. 2600

A Resolution entitled, "Resolution repealing Resolutions approved on various dates authorizing the sale of property in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2601

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

With reference to getting information from our legal counsel, Mr. Danny Pellegrini is preparing for me within the next week, an ordinance or resolution or an amendment to existing bills that would provide for security in parking garages. Outdoor garages that are indoors would have cameras, security, or a guard moving constantly on some kind of vehicle similar to a golf cart that they have in some garages. What is happening in this City in garages is unprecedented, unbelievable, and has got to stop. We need lighting, security, and guards. He will present that bill.

I just want to share that with Council. In light of what happened to Judge Finkelhor, had there been better lighting, I think that might have been prevented.

The other item I would like to share with this Council is that, as Council is aware, I tried to get a bill through to prevent students during school hours — that means is a student is out at noon and has a note from the teacher or principal or identification from their parents saying that school is not in session, vacations and so on, they can go to arcades, but not during school hours. As you know, because of the pending ruling in the courts, I could not pass that legally. I then took it upon myself with the help of our very competent City Clerk and we sent out approximately 250 letters to people who are vendors and all we had available from our Finance Office were a list of distributors. They only went out about a week ago. We have thirteen unknown addresses. I think the Finance Office or the Business Office of the City would like to know that thirteen, and I will turn them over to them, no longer exist.

We also received twenty-five

responses from people with little notes attached saying, "I am a good citizen and I will comply voluntarily, or I've always done that, to keep students out of my arcade during school hours." Out of 250, we have phone numbers and I plan to call them all, but I don't know why the City would have inaccurate records.

Those are only distributors. In other words, if a distributor has fifty vending machines that he puts at ten different places, the people who have the machines we have no records of them. These are the only records, there are a handful of them, of the copies of the licenses of people who have vending machines. I would like to point out that if any business ran like the City of Pittsburgh, in two weeks it would be bankrupt, or maybe a week and a half. We do not know who are the vendors. We don't know who the distributors are. But the best list that I have, we are getting a very positive response. However, 25 out of perhaps 3,000 sources is not really sufficiently meaningful to act as a deterrent and I think something has to happen to get information from the City, Mr. Robinson. So, again, I concur with the position that you're in. We don't get information. It doesn't even exist. It's not on computers. The computer may not be working in the Controller's Office, but there are computers in other departments. This is a disgrace.

Mr. Robinson:

Mr. President, on another issue if I might. I'd just like to put into the record a letter concerning the situation at Community Action Pittsburgh. I'd just like to very quickly read this one. It's written to the Acting President, Mrs. Margaret George.

(INSERT - LETTER)

Mrs. Margaret George,

Acting President
Community Action Pittsburgh, Inc.
107 Sixth Street, 9th Floor
Pittsburgh, PA 15222

Dear Mrs. George:

I respectfully recommend that the administrative responsibilities of Community Action Pittsburgh be assumed by the Board of Directors, through its Executive Committee, until such time that the Board has addressed all audits and evaluations of the Agency.

Under the present circumstances, such an arrangement would be fair and equitable to all concerned.

The response to all audits and evaluations should come from the Board and all audits and evaluations should be forwarded to the Board.

Yours respectfully,

William Russell Robinson
Chairman
Planning, Housing and Development and
Secretary, CAPI

WRR:abb

cc: Byrd R. Brown, Solicitor
Joseph Jackson,
Executive Director

(END - LETTER)

Mr. Robinson:

I just want to submit this as a part of my continuing effort to get this Council and the City to substantively and positively assist Community Action Pittsburgh.

The second letter relates to the ongoing problems with the Pennsylvania Avenue Bridge, and I believe Mr. Woods

and I will be leaving here shortly to attend a meeting to try to resolve this issue. I'd just like to continue to appraise Council of the necessity for building that bridge. One of the reasons I introduced a bill today to re-open the budget is to explore the possibilities of funding that project this year out of 1983 funds. Thank you.

(INSERT - LETTER)

The Honorable William Robinson
City Council
510 City County Building
Pittsburgh, PA 15219

Dear Councilman Robinson:

As you know, the next scheduled meeting to discuss the Pennsylvania Avenue Bridge situation will be on Monday, March 14, 1983 at 4:15 p.m. at Midland Ross Corporation. I expect that everyone who attended the previous meetings will also be in attendance at this important meeting.

The agenda is as follows:

1. Update on the State Auto Emissions Bill.
2. Work assignments agreed upon at meetings of February 14, 1983.
 - a) Department of City Planning.
 - b) Traffic flow plan - Councilman Richard Givens.
 - c) Post Office report by Bill Zakin concerning interaction with Councilman William Robinson and Congressman William Coyne.
3. Alternative funding sources for the Project.
4. Other business/concerns.

5. Wrap-up.

I trust that you will attend. Should you have concerns or questions concerning this matter, please do not hesitate to contact myself or Ms. Susan Cecchetti, Staff Assistant to the Executive Director, at 322-6448.

Sincerely,

William D. Thompson
Executive Director

Faye Wilson, President
Pennsylvania Avenue Bridge Committee

(END - LETTER)

Michelle Madoff moved to excuse Mr. Givens for absense from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Stone moved to approve the minutes of Monday, March 7, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, March 21, 1983

No. 12

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 21, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. O'Malley

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 2699 Resolution amending Resolution No. 961, approved September 24, 1982, effective October 8, 1982, entitled, "Providing for a lease to the Commonwealth of Pennsylvania, Department of Transportation, of certain property located in the 18th Ward of the City of Pittsburgh, for a term of ten (10) years, at an aggregate rental of Five Thousand (\$5,000.00) Dollars", by separating the City of Pittsburgh and Three Taxing Bodies for distribution purposes.

Also,

No. 2700 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting interim approval to make payment to Pennsylvania Utility Management Systems for extra work performed in connection with the installation of heating equipment at the City Garage. Total cost of said work is \$6,646.00, payable from Capital Project LB-82-15, City Vehicle Repair Facility.

Which were read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2701 Resolution providing for the issuance of a warrant in favor of Mosites Construction Company in the amount of \$113,772.00 in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Larimer Avenue

Bridge over Washington Boulevard, including work on private property and other work incidental thereto; and providing for the payment thereof.

Which was read and referred to the Committee on Finance.

Also,

No. 2702 Resolution amending Resolution No. 1385, approved December 17, 1982, effective January 1, 1983, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by redefining the funding sources.

Also,

No. 2703 Resolution providing for a Contract or Contracts, or the utilization of existing Contracts, authorizing the resurfacing of various City streets and park roads with bituminous materials, including asphalt milling, planing, regrading, recurfing and other work incidental thereto; and providing for the payment of the costs not to exceed \$750,000.00. Funds are available in Code Account PW 83-01, 4-01-01-0001-83, Citywide Resurfacing Program.

Which were read and referred to the Committee on Public Works.

Also,

No. 2704 Resolution providing for an Agreement or Agreements with the Bloomfield-Garfield Local Development Corp., to promote and implement the economic and physical redevelopment of the Penn Avenue retail/residential district in the Bloomfield-Garfield neighborhood. At a cost not to exceed \$22,500.00, chargeable to and payable

from the 1982 Community Development Block Grant Program Trust Fund, Unspecified Local Options, Project Number.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 2705 Resolution transferring the amount of \$60,000.00 from Code Account 1612, Materials, to Code Account 1610, Miscellaneous Services, both accounts within the Bureau of Operations, Department of Public Works.

Which was read and referred to the Committee on Finance.

Also,

No. 2706 Resolution providing for a Contract or Contracts, or use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for street lighting in the City of Pittsburgh; and providing for the payment of the cost not to exceed \$450,000.00.

Also,

No. 2707 Resolution providing for a Contract or Contracts for the purchase of Jersey Barriers utilized for the safe barricading of streets and bridges in

emergency cost not to exceed \$25,000.00. Funds are available in Code Account PW 83-18, 4-01-30-0001-83, Miscellaneous Repairs to Streets and Structures.

Also,

No. 2708 Resolution amending Resolution No. 138, approved February 21, 1983, effective March 2, 1983, entitled, "Providing for an Agreement granting J.J. Gumberg Company the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by J.J. Gumberg and Company in the 17th Ward of the City of Pittsburgh," by amending the title to read the correct property owner.

Also,

No. 2709 Communication from James N. Walker, Director, Department of Environmental Services, requesting permission for Alan C. Davis and John Artman to attend the Animal Control Academy classes in Ann Arbor, Michigan, May 16-27, 1983, at a cost not to exceed \$2,000.00, payable from Code Account 1176, Miscellaneous Services.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2710 Resolution providing for an agreement with the Consolidated Rail Corporation for use of side track railroad facility at the Water Treatment Plant, at a cost not to exceed \$1,738.50, chargeable to and payable from Code Account No. 1701, Miscellaneous Services, Department of Water.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2711 Petition from the Concerned Neighbors Organization requesting a public hearing on the Tioga Parklet, located in the 13th Ward at Tioga and Rosedale Streets. Petitioners demand that the Tioga Parklet be leveled and left vacant until city and community leaders decide what would be good for community renaissance. Due to being a haven for drugs, gambling, prostitution, and other forms of vice.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Robinson for Mr. O'Malley presented

No. 2712 Resolution providing for the issuance of the following warrants: Omslaer Wrecking Co. in the amount of \$5,760.00 for demolition and removal of 7041-47 Fielding Way, Contract #25951-F and in the amount of \$3,970.00 for demolition and removal of 1620-26 Broadhead Street, Contract #25594-F and Solomon-Teslovich Inc. in the amount of \$3,000.00 for demolition and removal of 574-76 Brushton Avenue Contract #25602-F, without previous authority of law. Payable from CA Community Development Block Grant Program, Unspecified Local Option (CD ULO).

Which was read and referred to the Committee on Finance.

Also,

No. 2713 Resolution repealing Res. No. 1374, approved December 30, 1982, effective December 31, 1982, entitled, "Providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof."

Also,

No. 2714 Communication from Robert J. Coll, Jr., Superintendent of Police, requesting permission for Joseph Stottemyer and George Nave to attend the annual "American Association of Police Polygraphists Seminar" in El Paso, Texas, April 8-13, 1983, at a cost not to exceed \$1,878.00, payable from Code Account No. 1454, Education and Traveling Expenses, Department of Police.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2715 Resolution authorizing the selection and employment of legal counsel for Pittsburgh City Council.

Which was read and referred to the Committee on Finance.

Also,

No. 2716 Resolution providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of Phase II of the Silver Lake Urban Development Action Grant; and providing for the payment of the cost not to exceed \$300,000.00, payable from the Silver Lake Urban Development Action Grant Project Trust Fund, Project No. 4-35-05-1930-81-225-81-35.

Also,

No. 2717 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 13th and 15th Wards — Residential Land Reserve Fund.

Also,

No. 2718 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward — Residential Land Reserve Fund.

Also,

No. 2719 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 2720 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 2721 Resolution approving execution of Contract by and between URA and James J. Robinson for the sale of Parcel 215 (1311 Sheffield) in the 21st Ward for \$150.00 — Redevelopment Area No. 27.

Also,

No. 2722 Resolution approving the sale of Block 174R, Lot 139 (7609 Hamilton Ave.) in the 13th Ward of the City of Pittsburgh by and between URA and Don E. and Karen D. McNeal for \$100.00 — Great House Sale.

Also,

No. 2723 Resolution providing for an Agreement(s) with Consultant(s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost not to exceed \$250,000.00, payable from CP 83-02, Citizen Participation and Technical Assistance, including Architects

Workshop.

Also,

No. 2724 Resolution providing for Issuance of Certificate of Appropriateness for work on the exterior of the residential structures at 1330 W. North Avenue (Block and Lot 7-B-354), 1110-1112 Sheffield Street (Block and Lot 22-R-159 and 160) in the Manchester Historic District in the 21st Ward.

Also,

No. 2725 Resolution providing for Issuance of Certificate of Appropriateness for demolition of garage structure at 1432 Columbus Avenue (Block and Lot 22-B-249) in the Manchester Historic District in the 21st Ward.

Also,

No. 2726 Resolution providing for Issuance of Certificate of Appropriateness for work on the exterior of the residential structures at 518 N. Taylor Avenue (Block and Lot 23-J-212) and 525 N. Taylor Avenue (Block and Lot 23-J-253) in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 2727 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11 by changing from "R5" Multiple-Family Residence District to "C3" Commercial District certain property having frontage on the southwest corner of Centre Avenue and South Negley Avenue, 7th Ward.

Also,

No. 2728 Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code,

Title Nine, Zoning, Chapter 993, as amended, for erection of a five-story rear addition to the existing Western Psychiatric Institute and Clinic building on property zoned "I-C" District located at O'Hara Street and DeSota Street, 4th Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2729 Resolution requesting the General Assembly and the Senate of the Commonwealth of Pennsylvania to allow local municipalities (Pittsburgh) to regulate firearms.

Which was read and referred to the Committee on Public Safety.

Mr. Stone presented

No. 2730 Resolution providing for the issuance of a warrant, without previous authority of law, in favor of Pennsylvania Salvors, Inc., in the amount of \$2,000.00 in payment for a refund of a cash bond. Payable from Code Account No. 43-1, Refunds, Fines, etc., Department of Finance.

Also,

No. 2731 Resolution creating a Special Trust Fund entitled, "Salvation Army Emergency Food Fund Trust Fund," (SAEFFTF) in the Payroll Withholding Fund, Mellon Bank, N.A., for the receipt and disbursement of deductions from Payroll Withholding Fund monies.

Also,

No. 2732 Resolution amending Section 2(a) of Resolution No. 955, approved September 24, 1982 entitled, "Resolution authorizing the granting to

the William Penn Association an option to purchase for six months, upon payment of a non-refundable option fee of \$10,000.00, certain property in the 12th Ward, City of Pittsburgh, at or near Delafield Avenue and designated as Parcels numbered 1 and 2 for the sum of \$180,000.00 and providing for the conveyance of the same", by increasing the period of option from March 24, 1983 to July 22, 1983 upon payment of the sum of \$4,000.00 to the City of Pittsburgh by William Penn Association.

Also,

No. 2733 Resolution providing for an Agreement or Agreements with various agencies effective April 1, 1983, for the implementation of the City of Pittsburgh's Summer Youth Employment Program and providing for the payment of the costs not to exceed \$2,000,000.00, payable from the CETA T.3 Trust Fund, federal funds.

Also,

No. 2734 Resolution providing for an Agreement or Agreements for specialized professional services in connection with conduct of negotiations and arbitration proceedings including labor relations advice, representation at negotiating meetings and economic and job evaluation advice, and related personnel matters; and providing for the payment of the cost not to exceed \$22,000.00, payable from Code Account 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 2735 Communication from John Gabriel, Director, Commission on Human Relations, requesting permission for himself to attend a symposium on Fair Housing in Philadelphia, Pennsylvania, April 6-8, 1983, at a cost

not to exceed \$550.00, payable from the HUD-FHP Trust Fund.

Also,

No. 2736 Communication from Dante Pellegrini, City Solicitor, requesting permission for himself to attend the National Institute of Municipal Law Officers Conference in Washington, D.C., May 7-10, 1983, at a cost not to exceed \$700.00, payable from Code Account No. 1075, Miscellaneous Services, Department of Law.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Robinson:

Mr. President, I asked the City Clerk to have Mr. Pellegrini, our City Solititor, here to continue to try to resolve this issue around the subpoenas that were issued for Reverend Simms and Mrs. Brown.

If Danny could come forward, I just want to, perhaps, get some clarification relative to Mr. Pellegrini's letter that he forwarded to us, dated March 18. It was his opinion. Last week I had asked Mr. Pellegrini to please review the materials that Reverend Simms and Mrs. Brown forwarded to us to determine whether or not this was the material that had been requested under the subpoena. And if I might just read his second paragraph, it says, "The documents submitted were not those requested by their respective subpoenas. As my letter to Council, dated March 7, 1983 stated, the documents requested in both subpoenas did not exist."

My concern at this point is

specifically relative to Mrs. Brown. Mr. Pellegrini, in this same opinion, the last full sentence on the first page and ending on the next page, reads, "With regard to Director Brown's response, as my letter of March 7, 1983 also stated, the Zoological Park Commission issues no contracts and has no employees or staff and accordingly, it cannot have an MBE program." That sentence in particular, I think, is causing some problems. One, I don't know if Mr. Pellegrini is aware that Article 4, Chapter 479 of the City Code deals with the Zoological Park Commission and in Section 479.01, Jurisdiction, it reads, "The Zoological Park Commission shall administer and establish policies for the administration of the Pittsburgh Zoo."

I raise that to continue to get to the point of whether or not the Zoological Park Commission conducts business. I also would like to indicate that in 1980, and I have copies of these documents for anyone who would like to see them, in 1980 the Zoological Park Commission of which Mrs. Brown is the Chairperson, did indeed do some business. They signed a contract, a five year contract for concessions. I'm even more concerned now because, evidently, there's some misunderstanding on Mrs. Brown's part that that contract was doing business, that that in fact was evidence of doing business.

Also last week I raised the question as to whether or not the invoices that had been submitted to Council periodically by the Zoological Park Commission are any indication that they are doing business. At that time, Mrs. Brown was unavailable and Mrs. Masloff, who sits on the Board, were unable to provide us with any information as to whether or not the Zoological Park Commission does business.

Without straining the legal points, I would hope that our Solicitor and the other parties who are concerned would address this issue of whether or not the Zoological Park Commission is conducting business so that we can get on with the more important issue of whether or not the Zoological Park Commission has been in compliance with the Mayor's Executive Order No. 1 of 1980 and whether or not the Zoological Park Commission is in compliance with Ordinance 28 of 1978. I don't know what Mr. Pellegrini's response will be, but in as much as he indicated, he represented Mrs. Brown. I would assume that her comments and his comments are reflective of his expert opinion and I'm sort of at a loss now to understand what is the status of the Zoological Park Commission and how that relates to this City's MBE policy.

Mr. Pellegrini:

Number one, I was representing the City, not Mrs. Brown. Number two, the items that were on the agenda last week as well as that contract you're speaking about were really ways in which the Department of Parks and Recreation denominate contracts that used to be issued by the Pittsburgh Zoological Society. I have instructed Mrs. Brown to stop the confusion in the future, not to even use that code account, it's a code account within her department, and not to use that on any City contracts.

The Zoological Commission was enacted prior to the present Home Rule Charter. All the contracts that you're referring to and all the vouchers that you're referring to went through the Department of Supplies. They are issued under the Department of Supplies and they are under the Department of Supplies MBE Program.

As far as phase one of the Zoo is

concerned, we provided information, as I recall, that said something like approximately twenty-five percent of the consultants contracts went to an MBE firm and approximately fifteen to sixteen percent of the construction contracts went to an MBE firm. The consultant was done through the Parks and Recreation Department and the contract for the supplies was done through the Supplies Department. But they are not contracts and the Zoological Park Commission is only an advisory agency. It cannot issue contracts. The only one who is authorized to issue contracts are units of government as defined by the Home Rule Charter.

Mr. Robinson:

Mr. President, I think again that we have a conflict, and I say this very seriously. Mr. Pellegrini, in trying to represent both the Administration and Council, Mrs. Brown and Reverend Simms, is having a great deal of difficulty, I think, in maintaining any consistency. I think it's rather obvious that the Charter does establish the Zoological Park Commission. It's rather obvious that the President of this Council and the Chairperson of Parks and Recreation sit on that Commission. I think it's rather obvious, if you check through the records, that there were votes taken on the contract in question, the concessions contract, and those votes were taken by the Zoological Commission, that indeed Mrs. Brown's name is made reference to in a letter dated February 13, 1980. It says Mrs. Louise R. Brown, Chairman, Zoological Park Commission. This letter is from Sports Service, which I believe is the company that has the five year contract at the Zoo to provide concessions, etc.

To me it's rather obvious that either the Zoological Park Commission has the authority or they don't. If they

don't have the authority, then this contract, I would say, is invalid and that five year contract should be terminated. If they do have the authority, then they are conducting business.

I don't presume to have all the information on the arrangements but Mr. Pellegrini's position, I think, is very inconsistent and it's rather obvious that we are doing business in the City of Pittsburgh at the Pittsburgh Zoo through the Zoological Park Commission and that the employees of the Zoo are under the jurisdiction of the Zoological Park Commission. The Code, in Chapter 479, very specifically spells out jurisdiction for the commission, composition, rules and procedures, powers and duties, and Mr. Pellegrini is the person who's spent a lot of time and effort codifying all the laws in the City of Pittsburgh and I'm sure he was aware at that time that there was a Zoological Park Commission.

Mr. Pellegrini:

Number one, I think my position has been very consistent throughout. The Zoological Park Commission can only serve as an advisory body. It has no powers as a unit of government.

As for my role of codifying the ordinances, I put them in exactly as written before or after the Charter. That I promised the Council. I wasn't going to make any changes in the Charter.

Number two, Mrs. Brown, in regard to those contracts, presentations were made to the Zoological Park Commission and letters were sent. They are an advisory body just as letters were sent to Councilwoman Masloff as part of the Cable Community Advisory Board by the bidders in that situation. It wasn't unusual but in the end it was awarded by

the City of Pittsburgh. If you take a look at the resolution under which that contract was issued, it authorizes the Department of Parks and Recreation to enter into contracts.

The Zoological Park Commission is merely a name that they have in their code accounts under the Department of Parks and Recreation to identify expenses at the Zoo. It's a misnomer. If that is causing confusion it should be changed in next year's budget and Mrs. Brown informed me that she is. But they cannot enter into contracts. It has been my position and it has been my consistent provision that they cannot enter into contracts. The information that we provided to you, all of those contracts for the Zoo were entered into by the Department of Parks and Recreation, by the City of Pittsburgh. All the consultants for the Zoo, for the reconstruction of the Zoo, were entered into by the City of Pittsburgh. All the hiring at the Zoo comes through the merit selection under the Department of Personnel.

So, all of those things come through under the City of Pittsburgh. There is not one item that can be done otherwise. For it to occur would be illegal. There's misnomers because of code accounts.

The Chair:

Point of order, Mr. Solicitor. I'm a bit confused to this extent. The Boards and Commissions in the City, such as the URA and the Housing Authority and the Zoological Commission, they do all approve contracts, right? The Zoological Commission is doing nothing different in regard to approving contracts anymore than the URA Board, the Housing Authority Board or any other Board.

Mr. Pellegrini:

The Zoological Park Commission is very similar to a Sinking Fund Commission or the other Commissions. They do not have employees or staffs. The Urban Redevelopment Authority and the other Authorities are really independent agencies of the Commonwealth and not the City and they have independent existence separate and apart from that of the City. The Zoological Commission does it as does the Sinking Fund Commission or the other Commissions that we have in the City. They just don't have any employees or can they enter into contracts under the Home Rule Charter.

The Chair:

I'm not talking about entering into contracts. I'm talking about approving contracts such as the concessions.

Mr. Pellegrini:

There are a number of Boards within the City that review contracts and give advice. For instance, this Council had a Community Advisory Committee that gave Council advice on the awarding of the cable franchise. But in the end, the City of Pittsburgh entered into that contract and not the Community Advisory Board Committee.

The Chair:

But specifically, Dan, can the Zoological Commission approve contracts?

Mr. Pellegrini:

No.

The Chair:

Then we were wrong in approving

the contract for the concessionaire or any other contracts.

Mr. Pellegrini:

No, the concession was entered into by the City of Pittsburgh. If you take a look you'll find all the City types of approvals —

The Chair:

You're right to that extent but there was taken by the Board to approve that contract.

Mr. Pellegrini:

No, to recommend. It was like the Community Advisory Board recommended a selection and the proper Administrative Officials were free to accept or reject. It's merely advisory in nature.

Mr. Robinson:

Mr. President, I think Mr. Pellegrini is wrong, and I mean wrong in terms of the jurisdiction of the Zoological Park Commission. Section 479.01 of the City Code says specifically, "The Zoological Park Commission shall administer and establish policies for the administration of the Pittsburgh Zoo". That's one point.

Another point is that 479.04, "Powers and Duties - The Zoological Park Commission, acting by a form of its members, shall have the following powers and duties: To appoint with the consent of Council a professional Executive Director of Zoo operations for the Pittsburgh Zoo, which Director shall be eminent in his profession. The Director shall be responsible for the supervision of all current and future Zoo employees, which employees shall be City employees with all rights, benefits,

privileges, pertaining thereto; To obtain animals and exhibits and purchase equipment needed for the proper operation and maintenance of the Pittsburgh Zoo; To collect revenues from fees charges for parking and admission to the Pittsburgh Zoo, and from the operation of amusements and the sale of refreshments and souvenirs; To pay all direct and indirect expenses related to the purchase of refreshments, souvenirs, the operation of amusements and the collection of admission and parking fees at the Pittsburgh Zoo; To deposit any surplus funds and collected revenues in a special trust fund established by the City Treasurer for capital expenditures relating to the Pittsburgh Zoo; To submit a projected Operating and separate Capital Budget for the Pittsburgh Zoo to Council each year on the second Monday of the eleventh month of the preceeding year; To submit an annual report to Council for respective Zoo operations disclosing all programs, expenditures, and revenues for the year within ninety days of the end of each fiscal year; To encourage and recruit volunteer assistance to aid in the operation of the Pittsburgh Zoo; To encourage contributions to the Capital Fund, Operating Budget or special funds relating to the Pittsburgh Zoo from private sources; To receive and act upon the complaints and suggestions of residents or voluntary associations; Having such objects and purposes in view as we provide in this chapter."

My point in reading this, Mr. President, is to indicate again that it's rather obvious that the Zoological Park Commission does have jurisdiction to operate the Zoo, that the Zoological Park Commission is not advisory, that the Zoological Park Commission is in fact responsible for operations of the Pittsburgh Zoo. And I think if we get the records of the meetings that preceeded the signing of the contract for the five

year concession, you will see it's rather obvious that the Zoological Park Commission was operating in a manner that indicated it was not advisory but they indeed, they indeed awarded a contract. That may have been signed by the Supplies Department but it was authorized by the Zoological Park Commission which, in fact, does business.

Another example is that quarterly we receive from the Controller a list of our anticipated revenues and the actual revenues. Item No. 26 each month is Zoological Commissions and Receipts. We're obviously doing business at the Zoological Park Commission. They're obviously subject to the MBE Program of the City of Pittsburgh. And that contract in 1980 was subject to it. In 1980, Ordinance 28 was already in existence. The Mayor's Executive Order was in existence. These relate to our MBE Program and to suggest that the Zoological Park Commission doesn't do business and is not subject to the MBE Program, I think, strains the truth.

Mr. Pellegrini:

There's two things. Number one, since 1976 it has been our instructions that the Zoological Park Commission only serves in advisory capacity. That's number one. Only serves, despite the language, it only serves in advisory position.

Number two, you are correct that the concession contract was subject to MBE requirement. The MBE requirements were those issued by the Department of Supplies. The Department of Supplies, I assume, followed the MBE requirements.

So, in a lot of ways, what we're really having this discussion about is really nothing. I think you're saying that

the Zoological Park Commission is subject to an MBE requirement and I said no because they don't have any employees and they don't have any contracts, but all the contracts that I issued for the Zoo are subject to an MBE requirement. So, it's not a question as to whether or not the contracts of the Zoo are subject to an MBE requirement but who is subject to a report. And the Zoological Park Commission simply has no employees.

The Chair:

Mr. Robinson, if I may interrupt you, what point are you trying to make? I think we're all trying to find that out.

Mr. Robinson:

I think there are several points, Mr. President. I'm sorry if you're unable to follow my line of reasoning.

The Chair:

I don't think anybody else can follow you either.

Mr. Robinson:

Mr. President, I don't think you can speak for other members of this Council. If someone serves on the Zoological Park Commission, I don't think that your comments are timely or in order. Thank you very much.

Now, if I might continue, I think Mr. Pellegrini's comments about the Supplies Department following the correct MBE procedures is presumptuous on his part and I don't believe there's any evidence that that occurred.

Mr. Pellegrini:

I didn't say that except on the construction contracts where we showed

that they did follow.

Mr. Robinson:

Fine. I don't think there's any indication that the Supplies Department is diligent at all in reference to this five year contract. I think this Council should be aware that the contract that was signed came in as the highest contract, not the lowest, but as the highest bid of all those who bid, which is somewhat unprecedented in this City to accept the highest bidder as opposed to the lowest bidder.

Mr. Pellegrini:

I certainly hope that it would be the highest bid because they were giving us money.

Mr. Robinson:

I don't think that because they're giving us more money is the only justification for accepting the highest bid and giving them a five year contract.

My other point is that while Mr. Pellegrini might be under the impression that the Zoological Park Commission is advisory, I think he should tell us who instructed him that the Zoological Park Commission was advisory, because I don't think there's anything in the Charter or anything in the Code that suggests the Zoological Park Commission is advisory.

Mr. Pellegrini:

The Zoological Park Commission is not contained in the Charter, it's changed in the Code. It was pre-Charter. It can only be advisory under the Charter.

Mr. Robinson:

Based on what? You said you

were instructed.

Mr. Pellegrini:

No, I wasn't instructed, I instructed.

Mr. Robinson:

You instructed who?

Mr. Pellegrini:

Mrs. Brown.

Mr. Robinson:

Based on what?

Mr. Pellegrini:

On my interpretation of both the Charter and the ordinance.

Mr. Robinson:

When was this? Prior to your legal opinions?

Mr. Pellegrini:

Which one?

Mr. Robinson:

Either one.

Mr. Pellegrini:

I think Solicitor Mulvihill discussed that with her several years ago. I didn't and I certainly reiterated it with her several weeks ago when we got into this discussion.

Mr. Robinson:

Were the members of the Zoological Park Commission aware that they were acting in an advisory

capacity?

Mr. Pellegrini:

I'm sure that they were because if you take a look at that concession contract, you'll find that I signed it, the City Controller signed it, the Department of Parks and Recreation, they don't hire and they don't fire, they don't purchase animals as far as I know. Every time the purchase of animals comes in, it comes in under the Department of Parks and Recreation.

Mr. Robinson:

That's not true, Dan.

Mr. Pellegrini:

I think if you take a look you'll find that it's mostly a Department of Parks and Recreation request.

Mr. Robinson:

I think that there needs to be some clarification for the benefit of those who serve on the Zoological Park Commission. I think it's rather obvious that they have not been acting in an advisory capacity. I think that can be proven.

Again, and I say this with all honesty, you signed these contracts, you're advising Mrs. Brown, you're advising this Council. You can't stand on all these legs, Dan. You just can't do it.

Mr. Pellegrini:

With all due respect, I think I'm rather consistent here and who I am advising is taking the official position of the City of Pittsburgh, which is a Charter position. The Charter mandates that I take the position that is in accord with the City of Pittsburgh. The City of

Pittsburgh's position is this matter is that the Zoological Park Commission is advisory. It can be nothing else.

Mr. Robinson:

Danny, who provides the legal counsel for the Zoological Park Commission?

Mr. Pellegrini:

The Zoological Park Commission, in the sense that it is an advisory committee, would only advise the Department of Parks and Recreation.

Mr. Robinson:

With legal counsel? Who provides them with legal counsel?

Mr. Pellegrini:

I doesn't have a separate legal existence separate and apart from the City of Pittsburgh.

Mr. Robinson:

I didn't ask you that. I said, who provides them with legal counsel?

Mr. Pellegrini:

That answer is very important to arrive at the answer. It does not exist separate and apart from the City of Pittsburgh. As providing legal counsel to all agencies of the City, I would be counsel to the Department of Parks and Recreation, my department.

Mr. Robinson:

Based on what authority did you sign the concession contract?

Mr. Pellegrini:

The concession contract, under Title I of the Pittsburgh Code, requires that the City Solicitor sign all contracts of the City of Pittsburgh as well as the City Controller countersign. I am not authorized nor required to sign any contracts from independent agencies such as the Urban Redevelopment Authority or the Housing Authority.

Mr. Robinson:

Were the members of the Zoological Park Commission advised before the signing of this contract in 1980 for concessions that they were operating in an advisory capacity?

Mr. Pellegrini:

I didn't personally advise them, I don't know. But I do know that the decisions were made on how to award it and the ultimate decision was not made by the Zoological Park Commission but by the Director of the Department of Parks and Recreation and the Director of Supplies.

One comment about the contract. On that contract, it was the highest bid because they were going to give us the highest percentage of gross. The length of time was because of improvements, capital improvements that had to be made to the Zoo. Beside the highest percentage of gross that they were going to give to the City, it was also based on the highest amount of capital investment that they were going to place in the Zoo in their concession stands.

So, those were the two things. In fact, I think as I recall, I rejected the first set of bids because they didn't meet the legal requirements of the City.

Mr. Robinson:

You rejected them in what capacity?

Mr. Pellegrini:

As City Solicitor because it was a City contract. I didn't reject, I recommended that they be rejected.

Mr. Robinson:

Did you draft the final document that was signed by the Supplies Department?

Mr. Pellegrini:

As I recall, Ken Fields who was Fiscal Officer at the time, Steve Schillo, Louise Brown, Larry Yatch and myself, initially drafted the initial set of specifications that went out that were attached to the documents.

Mr. Robinson:

And you saw no inconsistency in serving as a Solicitor for the City of Pittsburgh and then as a legal counsel for the Zoological Park Commission, approving the draft and then signing the draft? You saw no inconsistency?

Mr. Pellegrini:

Number one, I was representing the City of Pittsburgh throughout. The Zoological Park Commission was only advisory agency. If they would have recommended someone else who we did not believe, or the Directors did not believe, in their capacity, was the proper ones to sign the contract, it would not have been signed. If they would have, in this case, recommended the lowest responsible bidder and not the highest because we're getting money, we would not have approved that contract in our

capacity, and I wasn't Solicitor at the time, in our capacity as officers of the City.

It happened with the Community Cable Advisory Committee that advised this Council. It's not unusual. Everyone is trying to make it unusual but it's not that unusual.

Mr. Robinson:

Is it fair to say that your opinion as to whether or not the Zoological Park Commission is advisory is indeed a legal opinion and not a legal ruling

Mr. Pellegrini:

I think it's a legal ruling as far as the corporate body of the City of Pittsburgh is concerned. In a case called Enright-Cavanaugh and in another case which escapes my mind at the time, it says that legal opinions of the City Solicitor have to be given great weight especially within the corporate body of the City.

Mr. Robinson:

Given great weight?

Mr. Pellegrini:

Yes. It's not conclusive but —

Mr. Robinson:

If indeed this issue of whether or not the Zoological Park Commission goes to court, let's say this Council decides to go to court to try to determine whether it is voluntary or advisory or not, who would you represent or who would you be available to represent?

Mr. Pellegrini:

Number one, this Council cannot

go to court.

Mr. Robinson:

I beg to differ but go ahead.

Mr. Pellegrini:

This Council can only go to court, except in an instance, where it's enforcing matters, for instance, on a subpoena question. That's the only way Council has a right to go to court. They have no legal right separate and apart from that of the City of Pittsburgh. For instance, Congress does not have a right to go to court. The General Assembly does not have the right to go to court.

Michelle Madoff:

You mean as individuals we don't have the right to go to court?

Mr. Pellegrini:

I'm talking about Council as a body. And in only those instances and in the Forbes Neighborhood Association case, and there was another case which again escapes my mind, the courts ruled that Council does not have a right independent and apart from the City of Pittsburgh —

Mr. Robinson:

I didn't say separate and independent and apart. I said if this Council decides to go to court to resolve the matter of whether or not the Zoological Park Commission is advisory, who would you be available to represent?

Mr. Pellegrini:

What I'm saying in that situation, this Council could not go to court. An individual Councilman acting as an individual would go to court. Who you

would be suing would be the City of Pittsburgh.

Mr. Robinson:

Who would you be available to represent?

Mr. Pellegrini:

I am not allowed to represent individual Councilman. Period.

Mr. Robinson:

If and when the City of Pittsburgh goes to court, who are you available to represent?

Mr. Pellegrini:

The City of Pittsburgh.

Mr. Robinson:

Have you been in court representing the City of Pittsburgh?

Mr. Pellegrini:

Yes.

Mr. Robinson:

When you are there, are you representing all of the officials of the City of Pittsburgh?

Mr. Pellegrini:

Number one, my main concern is the corporate body known as the City of Pittsburgh. I have represented Councilpeople when they have been sued individually in a number of actions, and we've gotten them out on the basis that you can't be sued. Only the City of Pittsburgh can be sued. We have represented other officials down to lowly employees —

Michelle Madoff:

They said that in North Strabane too.

The Chair:

Please, Michelle.

Mr. Robinson:

Let me just conclude by saying that I would hope that this matter could be resolved in such a fashion that the Zoological Park Commission would voluntarily respond to the question of whether or not they're going to be in compliance with Ordinance 28 of 1978 and whether or not they're going to comply with the Mayor's Executive Order No. 1 of 1980. I certainly respect the right of our Solicitor to his own opinions and I'm sure that the Zoological Park Commission Board will do what is correct. But I think it strains our credibility not to proceed on the assumption, and the very sound assumption, that the Zoological Park Commission has been operating as though it's conducting business and have been doing that in good faith, and there's certainly nothing wrong with that, and that indeed they ought to reassess their position, their status, particularly in light of Executive Order No. 1 and in light of Ordinance 28 of 1978. And I would hope that our Solicitor would be helpful in attempting to get some compliance.

Mr. Pellegrini:

I can represent the Councilman Robinson that no contract for the Zoo, any parts of the Zoo, any concession contracts, any construction contracts, any consultant contracts, will not be done in accordance with the Mayor's Executive Order and that Council will receive reports as to the MBE

participation in those projects just as they would receive City reports. If the Councilman is interested to ensure MBE's participation in all aspects of the Zoo, I can assure him that they will be under the same requirements that City contracts are.

Mr. Robinson:

Does that mean also the five year contract that was signed in 1980?

Mr. Pellegrini:

The five year contract signed in 1980, I am not prepared to answer that question, but that was covered under the City's MBE and that was reviewed in the same manner that all City MBE contracts were reviewed. If you're worried that some contracts were not, because of the name Zoological Park Commission, were not subject to an MBE requirement, I can put your mind at ease. All of them were subject to the MBE requirement. From the construction contracts and the reports Mrs. Brown submitted, the numbers were in accord with all the goals that the Mayor sent out. So, I think that concern, I think we're doing that with all the contracts that go on at the Zoo. I keep trying to say that there are no contracts that are not subject to the City's MBE requirement.

Mr. Robinson:

Just one last comment, if I might. Is it your understanding that "subject to" means that you simply make an attempt to see the MBEs are included, or that MBEs are included?

Mr. Pellegrini:

The MBE's requirements on the construction contracts, they are included. In the construction contracts,

it's mandated. In the consultants contracts, it's much more difficult and I think this time they were fortunate to get a major consultant that was an MBE and there was twenty-seven percent on the consultant's side. But they do make the effort. On a construction contract in accordance with the Executive Order, they were mandated and they were part of the construction documents.

Mr. Robinson:

But I'm particularly concerned about the concession contract, which I don't believe reflects any MBE participation. It's for five years. That's a long time.

Mr. Pellegrini:

I'm not familiar with that one. I could try to get you the answers on that one. If I had known, I would have provided the answers today.

Mr. Robinson:

I would assume that during that five year period, the Zoological Park Commission, in some capacity, would be able to address the issue of the MBE participation, even though the contract was signed for five years, that they are not excluded from addressing the issue of MBE participation for the remainder of those five years.

Mr. Pellegrini:

The MBE participation on that would be largely in the employment of individuals.

Mr. Robinson:

I don't think you can presume that, Danny.

Mr. Pellegrini:

I will check to find out. I don't want to get into the semantics again, but it wouldn't be the Zoological Park Commission that would check that out. It would be the Department of Parks and Recreation and the Department of Supplies that were required to check it out and see if there's an MBE component to that contract. I will have them check it out because that is a City contract.

Mr. Stone:

Danny, a couple of things real fast so that we don't leave some things unclear here. First of all, you don't do the job of actually approving contracts; you're approving it in form.

Mr. Pellegrini:

That's right.

Mr. Stone:

Okay, just so we understand that because right on the contract that I got from Mr. Robinson says, "This contract approved as to form and examined by", that's your function.

Mr. Pellegrini:

That's right.

Mr. Stone:

You don't determine who the particular individuals are.

Mr. Pellegrini:

No, unless there is a legal problem with the contract and we reject the bid.

Mr. Stone:

Alright. A couple of other

things. This one, as I see the space, there's not one for Parks and Recreation but there is for the Department of Supplies, the Director. But the next question that I'm trying to get here, and I'm not so sure, maybe that's where we are with the problem. If I understand you correctly, you're saying the Zoological Commission as such is advisory and therefore requesting of it this information is not forthcoming because it's not there. They don't contract for themselves.

Mr. Pellegrini:

That's right.

Mr. Stone:

But on the other hand, if I understand you correctly, you're saying that the Department of Supplies contracts for them.

Mr. Pellegrini:

No, contracts for itself.

Mr. Stone:

Okay, as part of that division. But on the other hand, when they do that, they're subject then to the MBE requirements.

Mr. Pellegrini:

That's correct.

Mr. Stone:

So, every contract, whether it's done by Supplies for Parks and Recreation, done by Supplies for the Zoological Commission, still comes under the general executive order.

Mr. Pellegrini:

That's right.

Mr. Stone:

Okay. It was coming through as if it was a dodge proposition.

Michelle Madoff:

Mr. Pellegrini, I have two quick questions. This Council, because of the efforts of Mr. Robinson, was issued the statistics which were vehemently denied as being fact, and turned out to be fact, that indeed minority and women contracts were approximately one quarter percent instead of the fifteen percent that they were supposed to be.

Mr. Pellegrini:

Two as I recall.

Michelle Madoff:

I'm sorry, we checked it with the Director at the time and he apologized profusely and said it was a half percent or a quarter percent and if you took off \$6 million for businesses such as oil, gasoline and automobiles, that "minorities are not involved in", then it came to one percent and that the Mayor found this abominable and it was shocking and now he was going to do something about it. And it wasn't until Mr. Robinson forced the issue and we got the information that something happened.

So, my question to you is, in that case, if one member of Council, in light of what you just said, decided to sue the Department for not having lived up to its obligation, who would you represent?

Mr. Pellegrini:

If one member of Council sued the City of Pittsburgh —

Michelle Madoff:

No, sued the Department Head, that would be the City of Pittsburgh then?

Mr. Pellegrini:

No, the Department has no existence separate and apart from the City of Pittsburgh.

Michelle Madoff:

That's what I want clarification on.

Mr. Pellegrini:

If one member of Council would sue, you're just a taxpayer suing the City.

Michelle Madoff:

So, in other words, if Mr. Robinson and some people in the community felt that the issue had misrepresented, that one percent was indeed not fifteen percent, and decided to sue the City, you would then represent the City and some other attorney would represent that person in Council, that is, Mr. Robinson or myself or someone else who is suing. Is that correct?

Mr. Pellegrini:

Perhaps the most significant case involving was the impoundment case back in '73 and '74 involving President Nixon impounding funds. A member of Congress, with his own individual attorney, sued President Nixon. You always hear that Legislators sue and

Congressmen sue. Generally they are funded by either themselves or something like the Rocky Mountain Foundation or one of those foundations.

Generally what would happen is that if I have to represent, if you would sue or if anybody would sue representing this body, maybe you would want to do it and Councilman Flaherty wouldn't want to do it, he'd file a suit on the other side. But the rule is, Council's individual members have no powers separate and apart from Council.

Michelle Madoff:

To sue the City.

Mr. Pellegrini:

You cannot act in a representative capacity to sue the City.

Michelle Madoff:

Suppose a member of Council wishes to sue another member of Council.

Mr. Pellegrini:

That's a cat and dog fight to be honest.

Michelle Madoff:

Who would you represent?

Mr. Pellegrini:

I wouldn't represent anybody. I'd run.

Michelle Madoff:

I just wanted to be sure. Thank you.

The Chair:

Any other Unfinished Business?

Michelle Madoff:

I have one other issue on Unfinished Business, Mr. DePasquale. When the issue of giving money to minority banks arose, Mr. Robinson, that was your bill to give a percentage to minority banks, I believe the Finance Chairman said that he would not do that. If it meant that the bank in the City of Pittsburgh couldn't take it, he would not go out of the City to give money to a bank out of the City. Is that correct, Mr. Stone?

Mr. Stone:

I said that we're not going to look all over the country to give money to banks. We're going to keep the money here to help improve our own economy.

Michelle Madoff:

Well, I would like to point out that I will be turning this over to our new Controller, Mr. Flaherty, a list that was given to me about two or three years ago of all the companies that we do business with in the City, and they are in Los Angeles, California, in Rockwell, Illinois, in Wisconsin, etc., and there are hundreds of them, and I just thought we ought to have that for the record. In light of the fact that we're going to be having a public hearing, I believe sponsored by Councilman Flaherty and seconded by myself, that we have a hearing so that we have the same situation here that they have in Boston where we can mandate the hiring of local citizens to create jobs for our own people.

The Chair:

Thank you.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2737

Report of the Committee on Finance for March 16, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2644

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Conn Construction Company, in the amount of Two Thousand Eight Hundred Eighty Six Dollars and Eighty Cents (\$2,886.80) in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Mission Street Bridges; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2645

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of Three Thousand Five Hundred Fifty Eight Dollars and Forty Eight Cents (\$3,558.48) in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Larimer Avenue Bridge over Washington Boulevard; and

providing for the payment thereof."

Which was read.

Also,

Bill No. 2650

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of A-Action Rental, Inc., P.O. Box 15394, Pittsburgh, Pennsylvania 15237, in the amount of \$773.44, in payment for the purchase and rental of materials furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2656

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with Touche-Ross and Company for professional services in connection with an interim check writing and revenue accounting system and a new computer-based financial information and reporting system for the Controller's Office, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2738

Report of the Committee on Public Works for March 16, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2646

A Resolution entitled, "Resolution granting unto Rohrich Cadillac, Inc., their successors and assigns, the right and privilege to construct, maintain and use at their own cost and expense Two (2) Bay Windows to the existing structure along West Liberty Avenue at 2116 West Liberty Avenue in the 19th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 2669

A Resolution entitled, "Resolution further amending Resolution No. 619, approved July 2, 1981, effective July 13, 1981, as amended by Resolution No. 902, approved September 17, 1981, effective September 22, 1981, entitled, 'Providing for a Contract or Contracts for Step Reconstruction at various locations in the City of Pittsburgh, including private property and other work incidental thereto; and providing for the payment of the cost thereof,' by increasing the project allocation by Seven Thousand (\$7,000.00) Dollars."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone

Michelle Madoff
Mrs. Masloff

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2739

Report of the Committee on Supplies for March 16, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2507

A Resolution entitled, "Resolution amending the Pittsburgh Code, Title One, Administrative, Chapter 161, Contracts. Sections 161.07, by reducing the amount making a sealed bid procedure unnecessary and conforming the requirement for separate specifications to state law."

Which was read.

The Chair:

With a negative recommendation, vote aye to approve the bill, nay to vote against it. Roll call vote.

Mr. Flaherty:

I am supportive and the reason that I am supporting it is essentially I

heard all of the debate in the Committee Meeting on Wednesday and I'm convinced that there's not one good reason to oppose the bill. Essentially what the bill calls for is that is just says that any contract that is going out in excess of \$3,000 shall be submitted to the process of having a sealed bid.

I believe that it is good to have this for the sake of accountability purposes. The reason was put forth that if we reduce it from the current Councilmanic amount from \$5,000 to \$3,000, then we are going to cause more work for Council. Council then would have to consider approximately a few hundred more extra resolutions. I believe all of us on Council know that considering a few hundred extra minor resolutions may tax this body an extra hour over a year's period of time, perhaps two hours. So, I don't believe that's a very compelling argument

More importantly, we heard the argument that by reducing the Councilmanic amount from \$5,000 to \$3,000 enhances minority participation in the awarding of contracts. And I think if we didn't know it prior to Wednesday, we certainly know it now that that is a very cruel joke. When we see that minorities are only partaking of approximately 1.8 percent of the contracts granted in this City. So, I don't believe that that is a very good argument either.

The bottom line is, I believe that we should support this because it tends to curtail the suspicions or the complacencies of awarding contracts to heavy contributors in a political sense. I'm a firm believer that our process needs firmed up. I believe that this is a step in firming that process up even more. It gives this Council more controls and it builds in more accountability into the system. And the bottom line is, I think the taxpayers will

tend to be greatly helped through this because I believe when contracts are given out to heavy political contributors, often times they are greatly inflated in their value and it's a waste of taxpayers' dollars.

Mr. Givens:

Mr. President, I was here in this Council when this bill came in to try to streamline government. I think all of us have to be aware that anything we can do to cut the taxes for the people of the City of Pittsburgh is paramount. I disagree with Mr. Flaherty that these are big contracts, we're talking about \$3,000 and \$5,000 contracts. As far as contributors go, that is the Democratic system. I believe in this country that if anyone wants to make a donation to anybody that's running for elective office or any charitable institution that he feels free to do so. In fact, our income tax statements even have blocks where you can knock off or you can actually put money set aside for a particular party. So, I can't agree with that particular argument.

However, I do believe in the taxes. Someway, someplace, I think government must do something for not only the minority contractors, but for small businesses that are trying to start out.

I would then ask the Chief Clerk if a letter would go to our Legal Department asking if someplace along the line, either through a company's gross receipts or their net profits, if there could be some imaginary line and I would have to give that an X quality, like \$100,000 or whatever the case might be, wherein only certain small business could compete for these very small contracts that might go out. Otherwise, eliminating to some degree the more larger firms that can bid on anything and

everything and underbid anybody and everybody. I don't know if that's legal or not but would like, at least, to look into that particular entity. Hopefully, something might come out of that particular dialogue. But for the reasons of this paperwork, for the reasons of saving those tax dollars and trying to streamline the operation of government, I vote no.

Michelle Madoff:

After the fiasco the other day of finding out that minorities and women were receiving less than one percent of the business of the City while we've been lied to for years, thanks to the effort and really staunch pursuance of Mr. Robinson we found out the facts. And when you talk about only \$3,000, and when you talk about \$3,000 over and over again to the same contractors, who I believe come in as the heavy hitters with the brown bags at election time, I think what we're really saying is the old adage, I think the old comment that Mr. Dirksen made, "A million here and a million there, pretty soon it adds up to real money." I think this Council can devote its time to the few minutes it will take to not only get the name of the corporation but the principles behind it to find out if it's indeed minorities or women. And we should certainly support this bill. I vote aye.

Mr. Robinson:

When I sponsored Council Bill 2507, I certainly took into consideration that the major reason that the Administration indicated that this bill was necessary was to increase minority participation in the City of Pittsburgh. There were three bills submitted at that time. All of those bills were represented as having the potential to increase minority participation. I don't think there's any evidence that those bills, or

any kind of actions that have flown from them, have indeed significantly increased minority participation. That's one of the reasons why I feel that we ought to support 2507.

The second reason is that I think it will give us more accountability in terms of the business activities, particularly in our Supplies Department, and I think it will give us more control over the contracts.

I agree with Mr. Flaherty that it's not going to take more than two or three hours of our time to go over these additional contracts, and I think it's time well spent to make sure that the taxpayers' money is well spent, and to make sure that if we have in the City of Pittsburgh a Minority Business Enterprise Program, that it is effective. Mr. Givens suggested some kind of program that would assure small business people an opportunity to do business with the City. Perhaps what he is referring to is a sheltered market program which I have recommended by way of legislation, and hopefully, this Council will be kind enough to support the whole notion of establishing a Minority Business Enterprise Commission to oversee our total program in the City of Pittsburgh and that they will give support to the whole notion that there should be a sheltered market program which would allow minorities and women to be assured of participation in the business activities of this City, of its Boards and its Authorities.

I think 2507 is very timely and very much needed and I vote yes.

Mr. Stone:

Mr. President, due to inflation, periodically the amount or the demarcation between those with bid and without bid is increased. That's not

unusual, that's been done for many years. Obviously it had to be done with the spiraling inflation that we've had in recent years.

It's been mentioned here that it's only a few minutes of this Council's time. To say that is not to understand the whole process because there's staff of the Administration and staff of our Council who work on these programs. So, we're now talking about not just pennies or a few minutes, we're talking many, many dollars of involvement of a hundred pieces of legislation that come through this Council that have to be taken care of at least three times in our writing and how many times through the Administration.

I think we ought to get down to the other one which, I think, is the meat of it all. Originally, as I understand it, this bill was designed to help the minority and small business individuals or organizations. It did provide an opportunity to help. It is true, and one should not pass that, but the implementation is suspect. Nevertheless, no one has questioned that there still remains the ability to help. I think it would be cruel to cut out the ability to help under the guise that you're trying to help someone when you cut out the ability to help somebody.

I would like my remarks from last Wednesday brought forward and I vote no on this bill.

(BEGINNING - COUNCIL'S REMARKS
ON BILL NO. 2507 - 3/16/83)

The Chair:

Mr. Jacoby, do you have some information for us?

Mr. Jacoby:

Yes, we do. We have several handouts and quite a bit of information.

The Chair:

Do you want to hand it out and save us the suspense of guessing what you made?

Michelle Madoff:

Why didn't we have it before today, wasn't it ready?

Mr. Jacoby:

It was just brought off the typewriter about twenty minutes ago.

Michelle Madoff:

Oh, my god, that is like our \$18 million that we haven't gotten you to break down yet. It isn't off the typewriter yet.

The Chair:

Alright, let's go back.

Mr. Jacoby:

We have spent the last three weeks gathering data, the last week working quite dilligently pulling together the data you have before you now. Before I go into the details, and while you take a moment to look it over, let me give you a little bit of background on what I have discovered as our position on minority business participation in the Department of Supplies.

Following a variety of discussions with my staff in review of our files, and some discussions with minority vendors, I have attempted to discover what it is that we have been doing to encourage

minority participation in city business. I find that there are a variety of things which we have done, some of them not as completely as we would like, but many steps in the right direction. Let me review very briefly some of those with you.

Some of the major things that we have done in response to our difficulty in having minorities doing business with the city, one of the most important things we've done is to amend our bonding requirements in several areas, so that minority firms which are not heavy in capital are able to do business with us. We have ways in bonding—

Michelle Madoff:

You didn't do that, this Council did it. I just want to get that straight.

Mr. Jacoby:

This Council did it, Mr. Yatch did it, the Mayor did it. Collective is we, is the City of Pittsburgh.

Michelle Madoff:

I just wanted to be sure what we meant.

Mr. Jacoby:

Believe me, I do not take credit for this person.

The Chair:

Alright, let's get on with it.

Mr. Jacoby:

In many cases, the bonding requirement for purchases under \$25,000 have been waived; the bid bond requirement, the amount of the bid bond, in many cases which used to be 50

percent, has been reduced to 10 percent; we have permitted the submission of certified checks in places of bid bonds; we have, in addition to that—in 1981 I believe, raised the amount of formal contract price from \$2,000 to \$5,000, partially to allow the Supplies Department to contact more minority bidders on smaller purchases. We have participated in the Minority Fair for the last seven years, where we assist minority businesses by advising them on how to bid for city products, what products are available for city bid.

The Chair:

Just a minute, Mr. Jacoby, you were asked to bring information here, the worst thing that could happen to us is to have you bring the information here and people not listen while you are doing it. Until you get order, you just keep quiet. When we get some order at this table, we will open it up.

Michelle Madoff:

I might point out that when Mr. Yatch brought a report he worked on for six months, on the garage, Mr. Stone was not present to listen to it.

The Chair:

Michelle, you were disrupting his delivery—

Michelle Madoff:

No, we were discussing, we were caucusing on the magnitude of how disgusting this report is.

Mr. Woods:

If you would let him finish, then he will go over this report column by column, instead of having your sidebar conversations, then everybody here can

understand.

Michelle Madoff:

Fine, and when you have your sidebar conversations I'll—

The Chair:

Michelle, you are out of order now. Mr. Jacoby, you proceed. If you get any more interruptions and sidebars, you are to stop. If anyone wants to start any discussions, leave the table and do your own conference. Proceed.

Mr. Jacoby:

At the Minority Fair, as you can see from the packet of materials we have given you, we have our buyer stationed at the fair all day. Yesterday was the day of the fair. We do encourage people to sign up for our bidders list. As part of the packet are two versions of the list, both in alphabetical order and by commodity listing. We have built a minority vendor list of some 400 vendors over the years, and we do use it.

We have also established policies within our department for the phone quote and the inquiry system, whereby whenever a request to purchase is received in one of those categories, the buyer is instructed to contact every minority that we have on our bidders list for that particular commodity and advise them of the availability of the contract, and to send them out the specifications for that contract before the formal purchasing is completed.

In addition to that, I don't want to go through the variety of associations and committees which we have joined and to which we regularly send members; but our buyers do attend the minority councils and programs on an on-going

basis, and they are all advised that it is very, very important in our department that we stress the minority purchasing.

Let me turn now to the sheets that I just gave you. What I want to stress to you is this, it has always been my policy whenever a question is asked of me that I give you a truthful answer, whether it is good, bad or indifferent. What you have in front of you, as has been gathered by my staff, are very truthful answers. What I have already heard from you in quiet discussions is that they are not good. No one is more displeased with them than I am. I reviewed them with the Mayor; he is very displeased with them. I reviewed them with Councilman Woods, and he has also expressed his displeasure with them. Let us go through them right now, and we can all just—

The Chair:

Mr. Jacoby, in fairness, what you are giving us is a report prior to your coming on as the director.

Mr. Jacoby:

Yes, I have now been the director for two months.

The Chair:

You were in in 1983, and these are 1981 and 1982.

Mr. Jacoby:

This is the data that we have available in our office, and that what we could gather information on. Anything prior to the year 1981 has already been stored in our warehouse and would take us several months to reach.

The Chair:

That is not what I was after, I just noticed the years.

Mr. Jacoby:

What we have done is we've broken down our purchases into categories, as we do with all of our normal purchases, and displayed for you the activity that we have had with minority contractors as opposed to that which we have had with majority contractors. As you can see, if you look at certain categories the result is less than satisfactory.

The phone quote is one area, that while there is not significant dollars involved, where the results have been at least palatable perhaps. In the phone quote area, almost 50 percent of all of our inquiries do go to minorities. We have, in 1981, awarded eight of our contracts to minorities through phone quotes, and, in 1982, that number was raised to 17. The disappointing feature is that the dollar amount of those contracts is not significant at all. It does, however, display that in the phone quote system we have been more successful in attracting minority businesses than in the large contract system.

If you look at the contracts under \$5,000, you will also see that the number of minority contracts, while it is not large, is a greater percentage than in the very large contracts. In the very large contracts, the results have been abysmal at best.

While I do not make any excuses for these numbers, let me point out for just a moment, however, some rationale for the large contracts. These numbers include various commodities that we purchase in which we know of no minority vendors. These are such items

as gasoline, tires, parts to fit General Motors and Dodge cars, and there simply is no one we know of that provides these services. I venture to say that when you ask Exxon and Boron to bid against an independent gasoline dealer it would be hard, if not impossible, for the independent dealer to beat them out on a price. We purchase on the average of \$2 million dollars worth of gasoline each year, and that is part of that number.

In the construction contract area, this data basically is not available in our office. The law requires that the Human Relations Commission certify and monitor that all construction contracts include a 15 percent utilization of minority firms within the contracts. What we have done in the small contract items, however, is to break them down and bid them out in their sub-parts, that way hopefully we can attract the minority contractor when we break down the contract into plumbing, heating, electrical components.

The Chair:

George, while you are on that one, can I just touch one thing that always concerned the minority contractors, the genuine people? Are we doing anything to weed out the fronting of minority representation? You know, if you turn around and put a minority person up front and the back influence is someone who can still compete, and they wipe out the sincere minority contractor; what are we doing about that one?

Mr. Jacoby:

The Human Relations Commission, in the construction field, is responsible for certifying the various firms as minority firms or not as minority firms. In our office, when someone comes in and asks to be classified as a minority firm, we have a

questionnaire which we ask them to fill out to verify that they are in fact—

The Chair:

But by now they know how to answer those questions, and I am still trying to get to the substance of that.

Mr. Jacoby:

The system is there, does the system work? I would suspect that there are instances where some of that takes place. We do not have a staff to go out and verify the stock ownership of any significant companies, for example.

The Chair:

Okay, we'll address that later. Go ahead.

Mr. Robinson:

Unfortunately, I didn't have a chance to go over this material with Mr. Jacoby in advance, so I hope Council will bear with me as I try to get some information.

Michelle Madoff:

Excuse me. Point of personal privilege. You did not have a chance—is that because you were not approached?

Mr. Robinson:

I didn't have a chance to go over this material with Mr. Jacoby.

Michelle Madoff:

The reason I am interested is I know that Mr. Woods saw it, I didn't see it and I feel there is some kind of preference.

The Chair:

Can I make a suggestion? If you want time, do you have any objections to holding it for a week?

Mr. Robinson:

I believe I can get the information I need right now. If it appears to be too time consuming, I would be more than happy to get the information at a later date.

The Chair:

No, no, I'm just not trying to cut you off, but if you need more time, I'll give you all the time you need.

Mr. Robinson:

I appreciate that.

George, am I correct that the Supplies Department handles construction contracts, service contracts and supplies contracts?

Mr. Jacoby:

We handle them to the extent that we are the vehicle which formally advertises them. We, in many cases, are not the person who writes the specifications, nor do we make determinations who was the lowest responsible bidder. In all cases, when we receive the bids back from the vendors, we forward them on a tab sheet to the requesting department and wait for their recommendation.

Mr. Robinson:

In terms of following up to determine at what status the Minority Business Enterprise Program is, do you have a person in your department that is identified, who has that specific

responsibility?

Mr. Jacoby:

I have just identified Debora Miscovich, since my appointment, as that person.

Mr. Robinson:

Are you aware of anyone else that had that responsibility?

Mr. Jacoby:

No, I am not. I don't think it is fair to say that there wasn't anybody, I am not aware of that person.

Mr. Robinson:

Could you try to find that information for us, if there was somebody who was responsible before Miss Miscovich?

Mr. Jacoby:

Yes.

Mr. Robinson:

In terms of making sure that the statistics are put together, is there someone on your staff who does that?

Mr. Jacoby:

That would also be Debora Miscovich in the future, yes.

Mr. Robinson:

Is there anyone that you know who was responsible for doing this in the past?

Mr. Jacoby:

Not that I am aware of.

Mr. Robinson:

Could you also get that information for us?

Mr. Jacoby:

I will ask Larry Yatch.

Mr. Robinson:

Well, I am not asking you to get information from people who are not responsible to this Council; Mr. Yatch is not responsible to this council. I would assume that you could look through your records or perhaps ask Mr. Ernest or someone else who is on the staff.

The Chair:

The Chair is kind of taking a stab that he was just appointed, and that this individual thinks that someone who is responsible for that should answer that question, rather than him. He is not dodging you, I think he—

Mr. Robinson:

I understand that, all I am saying is that I am trying to save George perhaps the embarrassment of a person who has no responsibility to the City of Pittsburgh, telling him to you know what.

Mr. Woods:

Bill I'd like to respond to the one question? You asked him who was to get this data—like Debora now is going to do it and keep it up—it is evident that no one did that before because it took them so darn long to get it.

Mr. Robinson:

But that doesn't mean that someone wasn't assigned that responsibility. There was a person in

Supplies who was assigned that responsibility back in 1978. I don't know if they continued or if it was changed. If you can get that, I would appreciate it, George.

Michelle Madoff:

Mr. Robinson, in the same vein of what you just mentioned, would you say that this information would not have been forthcoming if you hadn't requested it?

Mr. Robinson:

I'll make a comment on that later.

Also, George, you indicated that there are certain areas that the Supplies Department deals with, where you can't find minority vendors. What do you base that on? You mentioned gasoline and tires.

Mr. Jacoby:

In the bidders list, they are broken down by commodity, and you will see several sections where there are a wide variety of vendors available. The difficulty, and this is my own observations and told to me by my staff, is that in the very, very large items that we purchase, the big dollar items, the staff knows of, I know of, and we have not received bids from minority vendors. I am talking about gasoline delivery, parts delivery, tires, tire service, tire recapping, that type of thing where we traditionally spend large dollars.

Mr. Robinson:

How do you put the minority vendors list together?

Mr. Jacoby:

The minority vendors list is a compilation of many things. First of all, we received from the Human Relations Commission a listing of those firms which they have certified to be minority firms. We have also built the list over the years by our participation in the Minority Trade Fair and from the other minority councils in the area. It has been done piecemeal, as we have been approached by minority firms and as we have been able to seek them out at the fairs and councils.

Mr. Robinson:

But there is a possibility that there are minority firms somewhere that could do some of this work?

Mr. Jacoby:

I think there is a strong probability that there are firms that we do not know about yet, yes.

Mr. Robinson:

Just as one example, there is a minority oil company in Tuskegee, Alabama that owns oil wells and is involved in commercial sale of gasoline products. The reason I raise that is that there are a lot of firms around the country that we may be unaware of, and, depending upon how we put our bidders list together we get certain firms and we exclude other firms. You just might want to check on some way of looking at firms outside the immediate Pittsburgh area which might be of some help to us.

Mr. Jacoby:

Let me say these things. I have looked at the list; I am not yet an expert in the purchasing area, I see glaring deficiencies in the list. For example, the

list covers the attorney fields; I am an attorney, I know that there are a great number of minority attorneys out there who are not on this list. There are numerous things which I think we can do to improve the list. I think we need to expand our horizons, as you are saying, and go outside the Western Pennsylvania area; I think we will be able to find other minorities. At this time, however, we do not have them on our list.

Mr. Robinson:

Another concern is, you mentioned the Human Relations Commission and I noticed on your statistics that specifically in reference to construction contracts the Human Relations Commission has some responsibility in enforcing the 15 percent minority participation program. My first question is, the 15 percent minority participation program, what is the origin of that, as you understand it?

Mr. Jacoby:

The origin, as I understand it, has its root in executive order and in councilmanic legislation.

Mr. Robinson:

The executive order I believe you are referring to is the Mayor's Executive Order No. 1 in 1980.

Mr. Woods:

Bill, can I interject something. On the construction contracts, isn't that 15 percent originated in the Pittsburgh Plan of 1970?

Mr. Robinson:

No. George is right, it is in the Mayor's executive order, but it is not rooted in any legislation passed by this

Council. To my knowledge, this Council has never passed any legislation setting any percentages for minority participation.

My concern here is not only the point of clarification, but he mentioned something about the Human Relations Commission was under the order of law; correct me if I am wrong, to make sure there is 15 percent in these contracts. I was wondering, what law are you referring to?

Mr. Jacoby:

I was under the impression that there was councilmanic legislation. I am aware, however, of the Mayor's Executive Order, and I assume that that is sufficient for Mr. Gabriel and his staff to enforce that. In fact, I spoke with Mr. Gabriel yesterday and asked him if they had an active monitoring system. He advised me that they did.

Mr. Robinson:

Is it your understanding that the Mayor's executive order is law?

Mr. Jacoby:

It is law to those of us who serve the Mayor, I can tell you that.

Mr. Robinson:

I think it is very important to understand what is required by law in the City of Pittsburgh, relative to minority business participation, and what is not required by law. My point is, is the Mayor's Executive Order No. 1 in 1980 law, law of the City of Pittsburgh?

Mr. Jacoby:

I really think that the solicitor is the only one competent to answer that.

Mr. Robinson:

Another concern is the role of the Human Relations Commission. Does the Human Relations Commission assist you in trying to identify suppliers or minority businesses?

Mr. Jacoby:

Yes, they do.

Mr. Robinson:

Is this by way of the executive order also?

Mr. Jacoby:

Quite frankly, I am not sure the authority for it. I do know that they do supply us on an on-going basis with the names and addresses of those firms which they have certified to be minority firms.

Mr. Robinson:

You might want to check with their solicitors; it is my understanding in talking with Mr. Byrd Brown and Miss Doris Smith, who are the solicitors for the Human Relations Commission, that the commission does not have jurisdiction in the area of minority business development. I shared with them the fact that the commission is working in that area; they might not have jurisdiction, but they are working in the area. You might want to check with them to make sure that we are on firm ground, in terms of whatever kind of assistance they are giving to us.

Just one other concern I have, and that relates to the statistics. Statistics obviously can project various pictures, depending upon who reads them and how they read them. I would like to thank you for putting these together.

Hopefully, we can get these on a timely basis. Before, Council requested them quarterly, if you can accommodate us I would appreciate it. I do think that we should not lose sight of the fact that the statistics here certainly are not reflective of the goal of 15 percent which the Mayor set and which this Council accepted; and that the percentages here are far below probably what any of us would take as acceptable.

I think also it should be noted that the difficulty in putting this material together certainly does not directly relate to any one individual, but relates to a number of individuals. I'll say something I said before, I think that if we have the will to do it we will do it, if we do not have the will to do it we won't do it. I think the four or five years that this program has been in operation, there has not been the will. I think the evidence of that is that the statistics are not only dismal, but the procedures have been haphazard; and I think the coordination and direction have been lacking. I would hope that under your tenure in that office as Director of Supplies, that you could be a bit more diligent perhaps than others in trying to accommodate us.

Michelle Madoff:

I want to congratulate you for your honesty; I respect your integrity in bringing these figures before Council, which are very damaging to the city, and, as you say, they are very dismal. Since we are talking in generalities and not being specific, the figure that distresses me very much, and I would like you to give me some clarification on it, is the material, equipment, supplies contracts over \$5,000, where we have the value of minority contracts at \$82,000 approximately, and the value of the contracts to other vendors are almost \$13 million. Could you tell me

roughly what percentage that would be, since I don't have a calculator in front of me?

Mr. Jacoby:

Significantly less than one percent.

Michelle Madoff:

So, less than one percent, Mr. Robinson, is going in dollar amounts in the materials, equipment, supplies contracts over \$5,000. Less than one percent.

What I would like for you to clarify for me is that you said the reason for this, you believe, is not out of control or out of anybody's purview in that a lot of it is for major purchases of automobiles and equipment, and not in the hands of minorities because they just haven't had the opportunity, or something like that. I want you to clarify that for me.

Mr. Jacoby:

I do not mean it to be an excuse or an explanation.

Michelle Madoff:

No, I already congratulated you on your integrity, and I don't think you have to justify yourself. I sort of resented your going through this whole song and dance about how wonderful you are and how you go to all these places and try to get the minority things. What I think Mr. Robinson has been saying over and over again in his subpoena action is that we don't get information until we take this kind of action. I think it is very sad, and I commend you for coming in with this information.

Let's get to the issue now. Would

you answer my question?

Mr. Jacoby:

Yes. What I said is that the make-up of the almost \$13 million in supplies, materials and contracts over \$5,000 is to some extent items which we know of no minority vendors, large volume.

Michelle Madoff:

What percentage would you say that is?

Mr. Jacoby:

I would say that of that \$13 million, when one looks at such items as gasoline, tires, parts; we are talking about annual expenditures of approximately \$6 million in those areas.

Michelle Madoff:

Then if we took that as being a ballpark acceptable figure, we are still talking about another \$7 million.

Mr. Jacoby:

I am not satisfied, as Councilman Robinson said, I am not satisfied that we cannot find minority vendors in those areas.

Michelle Madoff:

I know. You see, I don't like when someone says if we take this number from that number we get this number, and we don't mention what the number is and the public is listening and they don't know what we are talking about. What we are saying here is that perhaps \$6 million is out of the control of the city, and out of the control of a bill that was passed by the administration, which has the power to enforce unless we have

enough votes to overrule or veto. And, only of the \$7 million, Mr. Robinson, \$82,000 went to minorities. Now, give me that percentage.

Mr. Jacoby:

First of all, I am not willing to give up the \$7 million.

Michelle Madoff:

I don't want you to give anything up, I just want the percentage of \$82,000 of \$7 million.

Mr. Jacoby:

That would be about one percent.

Michelle Madoff:

So, at the best possible scenario, at the best possible scenario, while we have a commitment of 15 percent to minorities, we are giving approximately one percent, even if we make excuses and say that the \$6 million we have no control over. I think it is abysmal, I think you are honest to say that. I think the person who should be most commended here today is Mr. Robinson for having the guts and the fortitude to take the abuse he is taking—I don't mean from this Council but just the fact that he did subpoena people and how irresponsible he is and all the hassle he is causing the city. If he didn't do these things and if he didn't really ride her, this information would not be forthcoming. There are some days, Mr. Robinson, that I wish I weighed what you do, and I was your height so that I would be treated more politely, and perhaps I could get some information. Being female is obviously a deterrent.

Mr. Flaherty:

In view, George, of these what I

believe we all feel are quite appalling statistics, are you still in opposition to Bill No. 2507?

Mr. Jacoby:

Well, Bill 2507, the significant part of it seeks to reduce the formal contracting amount from \$5,000 to \$3,000. As you can see from the statistics, the area where we do less dismally is the area where we are able to go out on the informal contracting procedure. It would be my opinion that our office would have the ability to contact more minority vendors if the informal contracting amount was increased instead of decreased.

I would like to add, however, that where the Department of Supplies is given that discretion, there is implicit in that a trust that you put in us that we will do that. In other words, the checks and balances are reduced when you give our office wider discretion. While I feel that we could perform better by raising that amount, you must be satisfied that we will in fact do that before you should vote that way.

Mr. Woods:

George, would you explain the legislation that we have talked about?

Mr. Jacoby:

I do not think that this is a problem that can be solved overnight, I don't think it is a problem that can be solved in a matter of months; this is a serious problem that is going to take quite a while to address adequately.

There are two areas which I see, which we can aid our minority operations immediately. One of them, which I found to my dismay, is that we do not advertise our contracts in the Courier. I

will begin immediately to advertise in the Courier for all of our contracts and supplies.

The second item is one which I discussed with the Mayor and with Councilman Woods, and that is an area in which I believe we can assist the small minority vendor in quick fashion. In our discussions with my staff and with the minority vendors at the fair yesterday, one of the difficulties, aside from the bonding requirements that we have found, is that small minority vendors who are not heavily capitalized cannot afford to carry the cost of inventory from the time of delivery to the city until the time of payment. That has been a problem with all of our vendors, but when you have an undercapitalized firm it is a particular problem, given today's high interest rates.

In the best circumstances, the city would pay a vendor in anywhere from 30 to 90 days, all things going well. I am not chastising anyone, that is simply a matter of fact in government procedure with the checks and balances, you do not give payment immediately.

What the Mayor has directed me to propose to Council in the form of law, is to establish a Minority Vendor's Revolving Loan Fund to assist in that area. What this would be is a fund, and we will recommend \$100,000 to be established in a private entity, which will permit payment of the minority's firm immediately upon delivery of the goods. The firm would then assign their right of payment to the goods from the city to the entity, so that in the normal city procedure that fund would be replenished by the city payment. This would permit the minority firm to receive their payment immediately upon delivery of the goods to the city, and they would not then have to carry the inventory, the floor costs, while the city makes

payment.

Councilman Woods has recommended, and I agree, and I know the Mayor agrees, that we attempt to utilize New World Bank as that private paying entity. We will be coming back next week with the proposed legislation to establish this fund.

The Chair:

One addition to that one, if I may. Ray is not here from the Controller's Office, but I talked to you about that routing slip, which is not only for minority contracts, it is more so for them but it is for everybody; if we pick-up the material, the man still has to eat, if you are paying for his material you have to give him something to live on.

The other one is that we'd have to move the payment as quickly as possible. I am getting that routing slip made so we'll find out where the delay is in the system. But, in addition, I think that somewhere along the line you have to exert some effort there to try to see that the bills get to the controller and paid, because the guy still needs some money to function during that delay. If the job is going to take three months, he is three months without any money at all.

Michelle Madoff:

Director, I think you've used all the words that all of us feel—dismal, appalling, try to do better, you've only been there two months, didn't advertise in the Courier, try to give some money to the New World Bank. We all know we have a strong Mayor system, in its essence under the Home Rule Charter a weak City Council system. There has been on the books for a long time legislation that 15 percent of contracts would go to minorities. I think it is

despicable, and it makes me want to throw-up, that at zero hour after Mr. Robinson has gotten this information, suddenly the administration is saying let us correct this remedy, let us go to the New World Bank—and Council has said that already—let us go to minority vendors and give them \$100,000 rotating fund. Why didn't the Mayor of this city know that one percent of the contracts were going to minorities? Who does he think he is kidding for one minute?

Mr. Jacoby:

No one.

Michelle Madoff:

I didn't need a response, that was a statement.

Mr. Robinson:

Mr. Chairman, I think it might be helpful to Mr. Jacoby, to Councilman Woods and to the Mayor to perhaps get an input of the people who have had some experience and background in minority business development; one, before they implement this minority revolving loan program, and, two, before they submit legislation to this Council on these matters. I would be remiss if I didn't say that I have been trying to meet with the Mayor for two months to discuss issues of importance to the minority community, and I have been unable to do so. I say that so that we not lose sight of what it is we are trying to do, and so that we not lose sight of the fact that we are supposed to be working in cooperation. I am disappointed that I didn't have an opportunity to review Mr. Jacoby's material, his suggestions and proposals and I would hope that someone in their wisdom would be kind and courteous enough to share with this Council the legislation and the program intent, and if Mr. Jacoby and Councilman

Woods are so inclined, I would appreciate their cooperation in meeting with the Mayor to discuss the issues relative to minority business development.

I recognize that the Mayor is very busy and there are many concerns that he has, and I would hope that now that he has some greater recognition of the depth of the problem, that he will be available. I think that Mr. Jacoby and Mr. Woods are to be commended for being able to meet with the Mayor and to be able to move in a timely fashion in a direction that I am sure this total Council is in agreeance with.

The other thing is that I think both Mr. Woods and Mr. Jacoby should be aware that this Council has before it a bill authorizing the Mayor, the Treasurer and the Controller to deposit 30 percent of all City of Pittsburgh funds in a minority controlled financial institution, and to deposit all federal and state funds in a minority controlled institution. I think that we might want to discuss that matter in conjunction with those issues that have been raised here today.

Also, the Mayor has on his desk a proposal to create a Minority Business Opportunity Commission which would take charge of our total minority business program in the City. One of the components would be to set-up a sheltered market program, which means there would be certain contracts that would be set aside for minorities. Hopefully, both of these proposals can be discussed in the spirit of cooperation, and I would hope that Mr. Jacoby and Mr. Woods would support those ideas. Again, I certainly am available any time you two gentlemen can accommodate a meeting with the Mayor, I would appreciate it very much.

The Chair:

Mr. Robinson, just one point. If I understand the figures correctly, the minority lending institutions could not take 30 percent of our money for the reason that they have some requirements as to how much they are permitted to take.

Mr. Robinson:

Mr. Chairman, I think that rather than discuss that issue here, that we are prejudicing the positions of the minority lending institutions by speaking about their capacity without giving them the opportunity to submit any materials to us, or for us to fully explore the ramifications of the legislation.

One of the things that is in the legislation is a procedure for acceptance, and that procedure is that the Treasurer, the Finance Director, the Controller and two members of this Council can consider exceptions to the legislation, which I think would accommodate the concern that you have. But, I don't think anyone should be led to believe that minority financial institutions in this city or in other cities, and there are 52 minority controlled banks in this country not counting the savings and loans, no one should be led to believe that they don't have the capacity to serve the City of Pittsburgh. I don't think anybody should believe that, and I think that if we look at the legislation and seriously review it, I think we'll find that our local institutions and those elsewhere have a capacity to handle our money and to handle our finances, and to handle them well.

The Chair:

So that we don't have any misunderstandings, I want everybody to know that I haven't voted for any non-

city resident; as far as I am concerned, I am not going all over the country for lending monies, I am going to stay right here. That is where I'm at, so we all understand it.

Mr. Flaherty:

Mr. Stone, I just want to comment on what Councilman Robinson has said. On Sunday evening I had a conversation with Mildred Glenn who is the President of New World Bank. In concise terms she expressed to me a great deal of frustration, as far as the dealings she has had with the city, as far as trying to free up some city revenues for deposit in the New World Bank. I am of the strong opinion, subsequent to that conversation, that the city is somewhat stonewalling on the issue and trying to hand their hat on some small technical issues.

The Chair:

I want to go back to Bill 2507, I've left it go too far, and the Chair is going to be very restrictive as far as any information beyond Bill 2507.

Michelle Madoff:

Are there women's groups in here as well?

Mr. Jacoby:

Yes.

Michelle Madoff:

What percentage are women's organizations?

Mr. Jacoby:

I do not know that.

Michelle Madoff:

Probably not even one-quarter of one percent. Would you get me that information please?

The Chair:

Okay, Mr. Robinson, on the bill?

Mr. Robinson:

Mr. Chairman, I would like to make a motion to hold this bill for four weeks.

Michelle Madoff:

You don't want to move on it now?

Mr. Robinson:

No. I want to give Mr. Jacoby, the Mayor and Mr. Woods an opportunity to put together a program and come back to this Council.

Michelle Madoff:

I think you can get it through now. They'll come up with reasons why not to do it. It will pass now, Bill. Why don't we vote on it now, Mr. Robinson? Would you reconsider on this one bill itself?

Mr. Robinson:

For what reason?

Michelle Madoff:

I think it would pass now. At least we could get that through, then we would be able to monitor those contracts.

Mr. Flaherty:

Then we could change it back.

Mr. Robinson:

I withdraw my motion.

The Chair:

Mr. Robinson, let me tell you in advance so you know where I am coming from, I think the bill in its present structure is defeating what you are attempting to do. I view of that, my vote would be against it.

Mr. Robinson:

I would like to respond to that. In view of the fact that I did not have an opportunity to discuss this matter with Councilman Woods or Mr. Jacoby, I think that it is only fair that I have an opportunity to see what they are proposing.

The Chair:

Let me finish and I will let you rebut. It has been stated by Mr. Jacoby that he has more opportunity to help minority contractors, and which you have indicated that is what you are trying to do. He has admitted that in the past, as far as implementation, it has failed. He is telling you as well, and I am hopeful that we have a commitment from him, that if he has that ability, then he can perform. If we lower it, we are taking away from him the ability to do the thing in the right direction. I think Mr. Flaherty's question was on target along those lines, when he asked it earlier.

Mr. Robinson, if you want to rebut you may.

Mr. Robinson:

Mr Chairman, I think it is rather obvious that Mr. Woods, Mr. Jacoby and the Mayor sat down and put together some type of program. I did not have an opportunity to discuss this matter with any of the gentlemen. I am surprised and shocked by some of their suggestions.

The Chair:

Wait, you are going in--

Mr. Robinson:

You said I could rebut.

The Chair:

The question is whether you are going to hold or not hold, and--

Mr. Robinson:

You said I could rebut.

Michelle Madoff:

You gave a speech on why you wanted it held, now let him speak on whatever he wants.

The Chair:

We were purely on this bill, as to whether we hold it or not hold it, or move it now, that is where we got to on the issue. That is all I spoke to. I don't want to go back and rehash everything else that we did.

Mr. Robinson:

Will I have an opportunity to speak, Mr. Chairman?

The Chair:

You have the floor.

Mr. Robinson:

Thank you, very much. I think in light of the facts I just mentioned, that I will be willing to give to Mr. Woods, the Mayor and Mr. Jacoby the respect that they did not give to this Council, and indicate that in four weeks I would like to see a program, not just some legislation, not just suggestions, but a program that is truly going to serve the best interests of minority business people in this city, and a program that is reflective of both Council and the administrations efforts. I do not believe that what is being proposed now is going to do that, mainly because of the manner in which it was put together.

Again, I don't think anyone on this Council should go away not understanding that Councilman Robinson, for the last two months, has been trying to meet with the Mayor of this city to discuss this very issue, minority business enterprise. I have not had the opportunity to meet with the Mayor or to discuss it with him.

It is Councilman Robinson who moved to hold Bill 2507 for several weeks so that Mr. Woods and Mr. Jacoby could be accommodated to prepare material. Without trying to upstage anybody or rain on anybody's parade, I am still willing to put the interest of minority business people in this city ahead of my own agenda and ahead of the agenda of other parties. I am still willing to wait to see if we could put together a cooperative, comprehensive program. It would seem to me that four weeks is a reasonable period of time.

The Chair:

You are keeping your motion?

Mr. Robinson:

If indeed you have already expressed your concerns to vote against this bill, I think it is only proper for me to remove my motion and make another motion to approve Bill 2507.

Michelle Madoff:

I'll second that.

Discussion. On the bill, it is my belief, as it is yours, Mr. Robinson, and you've expounded on this previously, that when the contracts come before us because of the lesser amount, we will then have the opportunity as a body to inquire as to whether they are indeed minorities. I have requested four years ago that when we get the name of a contractor, the XYZ or the Acme Company, we know who the principles are. It would not be unfitting, since we have a commitment from the administration and this Council, that 15 percent of the contracts are minority contracts, to indicate, as we do sidelot, to indicate minority or female contract.

Furthermore, I think that it would be very important to point out that if you think that after being denied a meeting with the Mayor for two months, and after all the time the Mayor has been in office with this bill pending and he has done nothing; that you are going to get a meeting with him and anything productive will happen, you are indeed a supreme optimist. I think you have been discriminated against, I think the Black community and minorities have been discriminated against. That is why it is very important that we move now on Bill 2507 and find out who cares about enforcing the bill that we voted for and who does not, and we go on record immediately.

Mr. Flaherty:

I am in support of Bill 2507. I believe that the issue, to a certain degree, has been sidetracked by regard for minority concerns. I think it is sort of ironic because I think that the sidetrack, that smokescreen was thrown out on this table a few years ago by the former director of Supplies. He was successful in increasing the amount of a contract before it would go out to competitive bid. He hung his argument on the wonders that an increased councilmanic amount would do for minority interest in this city. I find it ironic now that the issue of minority interest now is coming back to haunt this bill, and it certainly should.

I would like to address what I think is the primary reason why I am opposed, why I am for the bill and am opposed to keeping it at a reduced amount. This is simply a vehicle to take competition out of the bidding process. This is simply a vehicle to call up more contractors, more vendors, more suppliers on the telephone. This is simply a vehicle to call up one individual and have absolutely no competition. It is bad for accountability, it is bad for a system of checks and balances, and it is bad for a system of having built-in controls. I think it certainly opens up the suspicions more of abuse to big political contributors being taken care of as far as contributions and as far as contracts.

As far as the minority issue, I am unalterably opposed to holding this for a month because I find it is very galling that the minority issue concern was the argument that the minority issue concern was the argument that was used to pass this bill three years ago.

I commend the director of Supplies for not attempting to doctor the statistics that he has shown us here

today. But, I don't commend your judgment, George, on still trying to pursue this argument that by increasing the amount from \$3,000 to \$5,000, that it is going to enhance minority participation on contracts in this city. I think that is such an illogical argument. I personally find it galling when you are talking about one percent in the last close to three years that this act has been in effect, to come back in front of this Council and ask for another month. I find a real slap in the face to the Black community.

These people are not getting their fair share of contracts and it is about time this Council starts saying something on it and stops being rubber stamps. I say let's pass Councilman Robinson's bill today, let the administration put forth their foot, let them put forth good faith, good action; and then maybe we can talk about reducing it again. But, to continue to play their ballgame is sheer stupidity and shows a total lack of concern for Black participation in contracts in this city.

The Chair:

If there is no one else, the Chair would like to be the last speaker on this issue.

Mr. Woods:

I have one thing to say. I am against this bill because I disagree with everything that Councilman Flaherty said.

The Chair:

On this particular bill, I want to remove it from all of the other consideration which has been stated is a smokescreen. It is a smokescreen to tie this particular bill into everything else that has been right or wrong. If you are

going to help, then you should help sincerely, and not attempt in some other fashion to say you are helping when actually you are hurting.

Relative to this bill, by logic, because of inflation over the years which was 10 to 12 percent every year, anyone in his right mind had to increase that figure because otherwise we would have been spending thousands upon thousands of dollars by having every contract come to this City of Pittsburgh, and come through the Administration, come to this table for us to do all the normal, legal paperwork.

The other one is, it is quite obvious that this bill, by raising it, and no one has refuted that one, that the director has the ability to help if he is given the ability to do it. In order to get the help, the implementation, he must be able to do it. It has been rather forthright and rather candidly stated here that in the past, while the enabling legislation was there, that there was some slippage on the matter of implementation. We have a new director, and he has indicated to us, and I don't know that anyone has found any fault at any time with this particular director's credibility; and, in that sense, if you take away from him the ability to do it, he can't help even if he wants to help. It would appear to me that taking away the smokescreen, getting down to Bill 2507 in its very narrow and limited declaration, is operating against the City and operating against minorities, and not intended to help. In that sense, let's take a vote.

(END - COUNCIL'S REMARKS ON BILL NO. 2507, 3/16/83)

Mr. Woods:

Mr. President, after listening to all the remarks on Wednesday and today,

I don't want to repeat what everyone else says, but just by listening it makes me in even stronger opposition because all my colleagues who are for this went off into side issues, most of them, that have nothing to do with this piece of legislation. Therefore, I vote no.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	

AYES 3	NOES 5
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VOTING NO:

Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. Stone	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mrs. Masloff presented

Bill No. 2740

Report of the Committee on Parks and Recreation for March 16, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2651

A Resolution entitled, "Resolution designating and encumbering three thousand dollars (\$3,000.00) in Parks and Recreation, Code Account 1838, for the Homewood-Brushton Athletic Association and to enter into an agreement with the Homewood-Brushton Athletic Association."

Which was read.

Mr. Givens:

Would the sponsor of that bill enlighten me a little bit as to how this money is to be utilized? Bill, I think that was you.

Mr. Robinson:

The legislation, I think, Dick, very specifically indicates —

Mr. Givens:

Well, it says the Homewood-Brushton Athletic Association, but what are they to do with the money?

Mr. Robinson:

I believe the legislation very specifically indicates that this money will be used to conduct their summer athletic program. About two or two and a half years ago, some of us in City government made a commitment to the Homewood-Brushton Athletic Association to provide them with some finances. In as much as we were re-naming their home field, which was Homewood Field at that time, we re-named it Willie Stargell Field. And they are the principal organization that uses the field and, in fact, have maintained it on several occasions. The Mayor, Mrs. Masloff and I indicated that we wanted to give them some assist in that regard and we pledged that we would provide them with some money for their summer

recreation program.

Mr. Givens:

It mentions that it's for the Homewood-Brushton Athletic Association, but it doesn't mention for what purpose, Bill. That's why I questioned it.

Mr. Robinson:

In the legislation, I believe.

Mr. Givens:

Is there a league there and how many children participate in this league? I guess that's my question.

Mr. Robinson:

A couple of hundred. Basically, it's a baseball league. This will be for their summer baseball league.

Mr. Givens:

Does it encompass the whole Homewood-Brushton area?

Mr. Robinson:

Yes.

Mr. Givens:

Are there several teams in that league?

Mr. Robinson:

Yes.

Mr. Givens:

Thank you very much.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson for Mr. O'Malley presented

Bill No. 2741

Report of the Committee on Public Safety for March 16, 1983 transmitting one ordinance and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2250

A Resolution entitled, "Resolution authorizing a professional study of the Pittsburgh Department of Police and transferring the sum of \$50,000.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1048, Miscellaneous Services, Department of City Controller." (AS AMENDED IN

COMMITTEE)

Which was read.

Mr. Flaherty:

Mr. President, in regard to the bill concerning a proposed consultant for the Police study, I see that some of the language in Section 1 is erased. Could someone please explain that?

Mr. Perry:

This was amended in Committee at the time.

Mr. Flaherty:

But could someone explain the reasons for the amendments? For example, to delete "the nationally known".

Mr. Robinson:

If I might, Mr. Flaherty, the copy that I have here still has "nationally known" included. I believe there was a typing error.

Mr. Flaherty:

Okay. On mine it's deleted. Is that a typing error?

Mr. Robinson:

Yes. In fact, mine reads, "The Mayor and the Superintendent of Police and the Controller of the City of Pittsburgh is authorized and directed to secure the services of a nationally known and professionally qualified and nationally known public safety consultant." Are you talking about the first "nationally known"?

The Chair:

Obviously you only need one in there. They scratched the one out.

Mr. Robinson:

Oh, I'm sorry. I think I know why. We agreed that the City Controller's Office would do that and I believe it was Mr. O'Malley who felt that we did not need to put in there the words "nationally known". That the Controller's Office would go out on a bid procedure and that they certainly would secure someone who had qualifications and knowledge. I think what he didn't want to do is exclude anyone in the City who might be able to do that job. He felt "nationally known" might exclude someone in the City.

Mr. Stone:

There is two "nationally knowns". It was redundant in the first part. "Services by nationally known, professional qualified and nationally known public safety consultant." We're just cleaning up the language. There's no problem.

Mr. Flaherty:

I have another question. Had anyone contacted the City Controller's Office and asked them if they had anyone on the Controller's staff who has the expertise to do this study?

Mr. Robinson:

Mr. Johnson, the Deputy Controller, indicated that because of their present staffing levels, they were not able to do all the audits of every City department and unit of government as is required by the Charter. But if they could secure additional funds, they would be able to hire personnel to help

them complete any specific audit. In this case, they could do the Police study.

Mr. Flaherty:

But they had not said that they didn't have anyone on the staff as far as the expertise question. They are saying conceivably that they have someone who has the expertise to do this but they are pre-occupied auditing other departments.

Mr. Stone:

Mr. Flaherty, I think it was the desire of everybody to have an outside source.

Mr. Robinson:

I believe Mr. McGrady and Mr. Johnson indicated that they though an outside source probably would be better able to do this and that they probably did not have one on their staff to do what we were requesting. They could perform a simple audit, but we're asking for more than an audit. We're asking for a study. Not a simple audit, as they're required to do pursuant to the Charter.

The Chair:

Roll call vote.

Mr. Flaherty:

I am opposed to Bill 2250. I would want my remarks from Wednesday's Committee Meeting included in the record and I would just want to reiterate that we had Superintendent Coll and in Superintendent Coll's professional opinion, and incidentally, Superintendent Coll was the only professional opinion that I heard on this subject. I believe the majority of members of Council had an opinion on this but I don't think, I could be wrong, but I doubt if any of the members of Council could offer an

expert opinion on the Police Department. But Superintendent Coll was very strong in stating that the request for the amount would give us a very simplistic, very broad study and I inferred from his remarks that the study will be completely useless and I translate that to be a total waste of taxpayers' money.

I believe that we on Council are all aware that as far as the number of police we have, it's strictly a political question between this Council and the Mayor's Office and any lobbying efforts that communities can put forward. I think it's very naive to try to put forth to the public that a very simplistic police study is going to enhance their protection in any regard. I see this once again as simply a vehicle for giving a consultant a fat paycheck and in return we aren't going to gain anything.

(BEGINNING - MR. FLAHERTY'S
REMARKS ON BILL NO. 2250 - 3/16/83)

Mr. Flaherty:

I am opposed to the bill. The reason why I am opposed is, I am sure all members of Council are aware that we had Superintendent Coll appear approximately six weeks ago at this table and we had a very time consuming interrogation, questioning of Superintendent Coll on his views in regard to a consultant study. Superintendent Coll, in very clear language, said that there is no way that we are going to get a credible study for the amount that we have earmarked.

I think it was also obvious from the tone of Superintendent Coll's presentation that this study is not going to have the slightest impact on how he is going to administer the Police Department. So, it escapes me as to what the logic is to earmark the \$50,000

for a police study that is not going to have any impact whatsoever. I see it as undoubtedly just a waste of taxpayer's money.

Furthermore, if we are going to have any kind of study or evaluation, I have heard a few different words applied to what this actual consultant study is going to be, but, regardless of what the title is it is something which is clearly within the purview of the City Controller's Office. Granted, the City Controller says that he cannot meet the legal mandates of the Charter to do performance audits every four years on all departments, trusts and agencies because he does not have the staff. Well, if need be, for the \$50,000 you could hire two permanent auditors, you could have two more auditors down there that I am sure could do the study on the Police Department. Then, we would have them for 20 or 30 more years to do numerous other studies or evaluations on other departments. I just feel that it is completely asinine on a one shot deal to give \$50,000 to a private consultant that is going to do a very cursory study, a very bland, very general study which is not going to have any impact whatsoever on the Police Department.

I would just want to close in saying if anyone feels that there is going to be a sure fix for giving this Council a place to hang their hat, as far as the number of police that this city should have, I think that is very naive. I think all members of Council know that is naive, and I just want to tell the public that that is naive if they believe that any study is going to come up with a foolproof number of police officers this city should have. That is a political question, not a question that a study is going to address.

(END - MR. FLAHERTY'S REMARKS ON
BILL NO. 2250 - 3/16/83)

Mr. Givens:

I vote no on this bill, Mr. President, and I'd like to explain it and differ with my colleague, Mr. Flaherty, in the fact that for twenty-some years I have worked in the police endeavor with a degree in criminology from the Fresno State University which gives me, I think, a certain bit of expertise and one that I've been strongly supported by my vote on this Council for the last four years and that I did not vote on the budget because I felt this Council was not in fact, or the Mayor was not in fact, appropriating enough money.

However, this \$50,000 seems very appropriate but it won't even scratch the surface in regard to what really has to be done with the whole police issue. And when you say police, you just can't say police of the City of Pittsburgh. Crime is something that's like a balloon. You hit it on one end and it comes out the other end. It crosses over boundary lines within our hundred and thirty some municipalities we have here today.

I would like, and my reasons for voting no on this particular bill, is that we need, I think, to sit down with county government, state government and local government, at least with the county government and with our own City government along with the court systems, and try to find out what is wrong with our system today and what can we do to upgrade it. We know we're building more jails and need to build more jails. That is not the reasons.

For police, and why I voted the way I did, it's protection. Police are to protect society. They are to protect the citizens within that society. Response time is something that is of a desperate need. If they cannot get there in a sufficient amount of time to stop whatever crime is being committed, then

regardless of how many police we have, we're not doing anything.

Crime in itself, the courts, the probation, the paroles, all must guide into this. This only triggers one thought in my mind, Mr. President, and that is the fact that these people are of good standing in this community. We must sit down and discuss this matter fully with all of our particular neighborhood groups and with our police department and get to the core of what is causing it. Seriously, we have to some way get together and make a study of the issues of crime within the City of Pittsburgh and how it affects our residents; and I think if one would talk to people who leave the City and ask them the questions why they have left, you'll find that crime is something that is foremost in their particular mind. For that reason and that reason alone, I think we have our own Police Department, we have our own Superintendent, we have the Mayor, and we have the Council of the City of Pittsburgh that can and should and will address this particular question. It is true that the Controller of the City of Pittsburgh should do a performance audit. However, I think this particular performance audit must go much beyond that particular scope. We must really sit down and broaden our perspective in this so we can have truly a professional dealing into what is happening to crime. There are many plans that have developed in this nation of ours. The Marshall Plan, it was over in Europe where, in fact, we went over and reindustrialized that whole community. Why can we not sit down and do something about crime in our own City? Thank you, Mr. President.

Michelle Madoff:

May I ask a question before I vote? Unfortunately, Councilman O'Malley is not here; perhaps the Finance

Chairman can answer; perhaps Mr. Robinson can answer. We have two classes of police to be put on this year. One is to be put on in what month, and when is the second class to be put on?

Mr. Stone:

I think that first one is July and the second is October.

Michelle Madoff:

We budgeted for both classes. Is that correct, Mr. Stone?

Mr. Stone:

Right.

Michelle Madoff:

We have budgeted for 80 policemen this year. We are losing 50 by attrition. We're down 105 from what we need now. People are being mugged in garages, on the streets. There was a fiasco in Squirrel Hill a week ago Friday. The pizza parlor where I tried to keep a beer license from going in, they beat up two youngsters. The policemen cannot stand in front of Mineo's all day. The issue, I believe, is a political issue. Originally, I thought, I stated to Councilman Flaherty that I thought 50,000 might be a step in the right direction, at least a first step, but I think you're absolutely right; I've rethought the issue. It is a political issue. We have to have a surplus at the end of the year to make the Administration look good; that is nonsense. This issue is take the \$50,000 and go out and hire some policeman; so I'm going to vote opposed to the bill, and I will vote yes for the bill on the kerosene heaters.

Mr. Robinson:

I'm going to vote aye on all the

bills, and I'd like to explain my vote on 2250. I am indeed encouraged that Mr. Flaherty and other members of Council have spend a lot of time since our last budget deliberations thinking about and discussing this issue of the police. Mr. Flaherty is absolutely correct that it is a political issue, but it's an issue that public officials who are politically elected are going to have to resolve. It certainly is not as simplistic as he is suggesting, and I don't think there's anything in the legislation which suggests that this is a simplistic solution to any of the problems that he has identified. The legislation very specifically relates to legalistic capabilities in our Police Department, staffing and employment patterns, and the number of officers and equipment necessary to perform assigned tasks and implement Department of Police policy, procedure, and programs. Certainly if the City Controller's Office was qualified and prepared to do the study over the last four years, they would have done it. The Charter very specifically is requiring that the City Controller do that, and I'm sure that the next City Controller will, in fact, do that.

In fact, I can assure you that the next City Controller will do that. Also, I think it is important to note that when this issue was raised during the last budget deliberations, all members of this Council were in agreement that we needed some updated statistics, that we needed some updated material; the Mayor even agreed. I don't think any of us would want to make political decisions based on a lack of information. We do not now have adequate information as to what capabilities our Police Department has, and with all due respect to Superintendent Coll, I don't think by any stretch of the imagination we should take what he said as being the only source of information that this Council had access to, nor should we assume that

members of this Council didn't seek out other professional help in qualifications. I know I certainly did in trying to arrive at some decisions around this particular issue. I would hope that those members of Council who are serious about the issue of the number of police in our City will support other efforts if this one fails, other efforts to get adequate information and to make sure that we are not in any way dissuaded from auditing the Police Department, from reviewing the Police Department, or studying the Police Department for indeed, Councilman Flaherty, political reasons. I think it is essential that the public safety effort in this City be top quality, A No. 1, and that we expend that same effort in making sure that our Police Department is A-No. 1 as we do in other areas. We certainly give out consultant contracts. By no stretch of the imagination did I believe that anyone on this Council would think that at least Councilman Robinson was attempting to give a \$50,000 consultant contract. If you did think that, then I've come a long way in five and a half years to be considered in a position of giving out those kinds of contracts. I want to assure everybody that certainly wasn't my intention. But, very seriously, I appreciate everyone's concern in this regard, and I said before my efforts have only been directed towards trying to get us some updated material, trying to put us in a position where we're not constantly arguing with the Mayor about additional police. This Council has been unwilling to go to court around this issue. This Council has been unwilling to set the budget at such a level that the Mayor has to hire the number of police we want. I'm not quite sure what else we're going to do other than simply abdicate our responsibility for public safety in this City. I vote aye, and I'd like to have my comments on 2250 from last Wednesday brought forward, please.

MR. ROBINSON'S REMARKS ON BILL NO. 2250 FROM THE MEETING OF WEDNESDAY, MARCH 16, 1983.

Mr. Robinson:

Mr. Chairman, the Controller has indicated to me that this bill should be amended to make provisions to have the \$50,000 transferred from Code Account 10 into Code Account 1048 in the Controller's Office. I just wanted to share that with the Chair, I didn't know if our Finance Chairman was aware of the Controller's concern. I was going to make a motion to amend the bill to accommodate that.

First of all, I would like to ask the Chair to admonish Councilman Flaherty for the personal remarks that he suggested in reference to the bill. I think Council's rules very specifically indicate that we should not make personal remarks or personal suggestions. I will be more than happy to cite that section of the rules.

THE CHAIR COMMENTS

MR. FLAHERTY COMMENTS

Mr. Robinson:

Thank you. If I may continue, I think that Councilman Flaherty certainly raises some valid points in reference to the study. But, I think that this Council should be reacquainted with several facts. I don't want to belabor the point.

For the last five years we certainly have tussled with the issue of whether or not we have adequate police in this city and whether or not they are deployed properly. I suggested to this Council that we do a study. At that time there was no serious opposition, not even from Councilman Flaherty or from Councilman O'Malley, who is Chairperson

of Public Safety. In fact, Councilman O'Malley agreed there should be some study. So Bill 2250 certainly was introduced in that spirit.

It was my understanding that this Council was not in any serious objection to try and do some study of the Police Department to at least determine if we had adequate police personnel. That is still the intent of the legislation to at least do that.

Another fact is the issue of Superintendent Coll. I am very sorry that Mr. Flaherty raised that issue, but I would be less than candid and honest if I didn't say that Superintendent Coll made no attempt to have any input into this process until this bill was brought before this Council and Councilman—I believe O'Malley or Flaherty asked him to come to the table to share with us his expertise.

At that time, I think it was rather obvious that the superintendent was not qualified to give us information on the cost of a comprehensive study or whether or not there were experts who could give us a study. He certainly shared with us his personal opinion, and I certainly respect that opinion. I mentioned that at that time he had been unavailable to consult with this Council on this issue, but I was very glad that he was here at that time.

I don't think that anyone should be led to believe that Superintendent Coll has shared with this Council his full concerns in this regard, and has shared them in such a fashion that he appreciates what our interest is. And, I say what our interest is, based on how we have voted, because we voted for the study, except for Councilman Flaherty who has been very, very adamant, and certainly he has a right to be that way.

As far as the cost is concerned, I don't think there is anyone here who would deny that we could get a police study for more than \$50,000 or less than \$50,000. I think the record is rather clear that we agreed that \$50,000 was a figure we could come to some sort of understanding on, but that we would not be limited, that we could indeed request additional funds if we felt they were necessary. One of the reasons I believe that Mr. Johnson, the Assistant City Controller, suggested the establishment of a committee was so that concerned people on this Council and in the administration, and in the Police Department could begin to identify the scope of work, and if \$50,000 was not adequate we would come back and ask for more.

As far as the impact of this study, I take issue with Mr. Flaherty's concern that the superintendent doesn't feel this will have any impact. I don't think the superintendent has been asked by this Council or by the administration, his official position on the police study. I don't think we should take anything that Superintendent Coll said out of the goodness of his heart when he just happened to be in Council session and Councilman Flaherty just happened to ask him to come to the table, as representing Superintendent Coll's position. I suspect what he said represented what Bob Coll thinks, and I respect that.

I think that certainly Councilman Flaherty is correct that the political decision is going to be made as to how many police we have and where they will be deployed. I would hope that the Mayor would at least read the study, he will at least have the study. And, if he so chooses to use the study, then God bless him. But not to do the study, and to continue to haggle over this issue, does not serve any purpose, other than a

political purpose. All of us are smart enough to know that everyone out there wants more police. We can go out and say give them more police, without basing it on facts. I think we ought to at least get some facts.

One other concern, if I might, about the Controller's Office. Taking into consideration Councilman Flaherty's anxiety about the Controller's Office, I would just like to indicate—

THE CHAIR COMMENTS

Mr. Robinson:

Two, at least.

I would just like to remind Councilman Flaherty that I did introduce a bill into Council on Monday to re-open the budget. One of my purposes in doing that was so that we could seriously discuss the needs of the Controller's Office. Mr. McGrady, our Controller, has indicated on several occasions that he needs more staff. He prepared for us a document indicating that with roughly \$700,000 he could hire 33 additional auditors.

If indeed we could re-open the budget—

THE CHAIR COMMENTS

Mr. Robinson:

I am bringing it to a close. We could re-open the budget, find him the \$700,000, and, Councilman Flaherty, I would be more than happy to at that time withdraw Bill 2250. I would hope you would join me in re-opening the budget and getting 33 additional auditors for the Controller's Office.

MR. FLAHERTY COMMENTS

THE CHAIR COMMENTS

Mr. Robinson:

Yes, sir.

END, MR. ROBINSON'S REMARKS ON BILL NO. 2250, 3/16/83.

Mr. Stone:

I am voting aye on all bills, and relative to 2250, I've been a long-time advocate of more police in the City of Pittsburgh, and what we've been experiencing in reduction and if you play with statistics, you can always have statistics say what you want them to say, and I think that offers a bit of caution. I have mentioned on many occasions it's better to spend \$2 million to save \$100 million in convention business rather than to get for the City of Pittsburgh the possibility of the bad reputation because of some one or two instances; and in that sense, I think that, rather than accept the position of the Superintendent of Police who obviously sits in the position that he cannot come out and ask for more police, he has indicated that's a policy decision it's not for him to make. I think that as far as my personal views are concerned, we need more police, but I'm willing to seek out information which helps to give a better light as to whether we are accurate or inaccurate; and I think that you just can't sit here and do nothing. If it's going to come up every year as it should, then I think we ought to acquire all the best information available year after year so that this is a recurrent decision, but at the same time, I don't think that we should do nothing, and therefore, I'm for it.

Mr. Woods:

I am voting aye on both bills, but on Bill 2250 it really amazes me that few of the Council members that have voted

against this are consistently yelling that we should not take the Administration's word for something, that we should go out and get our own consultants, our own attorneys, and now we're doing that, and they're voting no against it. They say Coll is the only professional there; well, that's what we want to do, get another professional. It is a political issue. We don't know if it's going to give us more police, or less police, but the same Councilmen I heard say time and time again that Superintendent Coll works for the Mayor and he's going to say what the Mayor wants him to say, well, that's what he wanted, that's what he said, what the Mayor wanted to him to say. We have enough police if deployed in a proper manner. I vote aye, and I wish the other members would change their vote and vote aye.

Michelle Madoff:

You might get mine if I get some answers.

The Chair:

I'll vote aye on all bills, but I would like to say that, honestly, I believe if the study recommends changes, the changes will not be made, so it's going to be a waste of time. If I was assured those changes are going to be made, I'd feel much happier, but I'll take that chance and vote aye on all bills.

Michelle Madoff:

Discussion before — I may change my vote. One moment. Mr. Stone, —

Mr. Stone:

Mr. President, we're calling for the vote here.

Michelle Madoff:

I have the right to change my vote. I would like to ask a question.

Mr. Stone:

Point of order. You vote wherever you want. At this point, point of order, we're not up for discussion. Discussion's closed.

The Chair:

Michelle, do you want to change your vote?

Michelle Madoff:

Is the figure for police in the budget this year?

Mr. Stone:

Mr. President, point of order. At this point we're voting. The discussion is over.

Michelle Madoff:

One million six hundred thousand dollars. Am I correct in my figure?

The Chair:

Point of order. Mr. Stone is correct. Michelle, we're beyond that, we're voting now on the study.

Michelle Madoff:

I have a great confusion. I believe that there is —

The Chair:

Point of order, Michelle. Do you want to change your vote, or don't you?

Michelle Madoff:

I want to think about it for a moment.

The Chair:

We discussed it for a half an hour. Now, come on.

Michelle Madoff:

I would like to think about it for a moment. I have very mixed feelings.

The Chair:

Apparently the vote stands.

Michelle Madoff:

Change my vote. Change my vote to vote with Mr. Robinson.

The Chair:

How are you voting, aye?

Michelle Madoff:

I'm voting for the bill.

The Chair:

All right.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:
Ayes:

Michelle Madoff
Mr. Robinson
Mr. Stone

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 5

NOES 2

(MR. FLAHERTY AND MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2341

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Eight, Fire Prevention, Chapter 803, Amendments, by prohibiting the use of kerosene heaters in any building except one and two family dwellings, and by limiting the storage of kerosene without a permit to 5 gallons inside a building and 10 gallons outside a building."

Which was read.

Michelle Madoff:

On Bill 2341, on my bill to ban kerosene heaters in any building except one or two family dwellings and about limiting storage of kerosene so that we will not endanger lives and people living in multiple buildings, Councilman Woods asked that an amendment be put in where we permit them at construction sites that have a valid building or land operation permit. It is in the bill. I just wanted to tell you, Mr. Woods. We did put it in. You were absolutely right and I'm glad you brought it to our attention. That's the only source of heating on the job and I hope the bill will pass.

Mr. Robinson:

Point of information. Wouldn't that have to be done by way of amendment?

Michelle Madoff:

It is. I just wanted to tell you that it was put in and not forgotten.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

If I might, this is on the reoccurring difficulties of Community Action Pittsburgh, Incorporated. I'd just to share with Council a letter that I received from Mr. Michael A. Donadee, Chief Counsel, Department of Community Affairs, dated March 15, 1983.

"Dear Mr. Robinson:

Secretary Dennis has requested that I respond to your letter of February 28, 1983 regarding Community Action Pittsburgh, Incorporated. This department is willing to cooperate fully

with the Pittsburgh City Council on any issues regarding that agency to the extent that we are legally able to do so. As you may be aware, CAPI has recently submitted responses to the audit and administrative review reports prepared by this department. After those responses are reviewed, an appropriate future course of action with respect to this agency will be determined. Thank you for your interest in this matter.

Sincerely yours,

Michael A. Donadee,
Chief Counsel, Department of
Community Affairs"

A copy of this letter was sent to the Honorable Shirley M. Dennis, who is the Secretary of Community Affairs for the Commonwealth of Pennsylvania, and Mr. James Edwards, who's in charge of one of the departments under Community Affairs. Thank you.

Michelle Madoff:

There's a gentleman by the name of Jim Turner, and I'm not sure quite sure what his job is, but I couldn't get hold of the Treasurer of the City; he's on vacation, Mr. Schmeiser, and I couldn't get hold of his assistant, and Mr. Jim Turner came to the phone, and I asked him the same question I'm about to ask Mr. Buckley. Mr. Buckley, is the money on the 1982 that was transferred to '83 ready as yet? It was supposed to be ready in one week. We held up the vote. We then were to have the information in two weeks. Is the two weeks expired now, Mr. Buckley?

Mr. Buckley:

Yes.

Michelle Madoff:

In two weeks we haven't got the information. The information was, where was the money coming from, where was that \$18 million generated, how long were those bills overdue; and he said to me, "I wouldn't have voted on it without that information." I said I didn't either; however, this Council chose to transfer the dollars. We still don't have that information, and I think that is a disgrace.

Mr. Givens:

You wouldn't want to hold up the payments to those people.

Michelle Madoff:

No, I don't want to hold up the payments. I want to know how you come up with surpluses and at whose expense.

Mr. Givens:

I think that surplus is something that should be forthcoming.

Michelle Madoff:

I want to find out at whose expense.

Mr. Givens:

Mr. President, point of business. I think all of us received a letter from the Ozanam, from its Director indicating a proposal that they had entitled an R.A.I.T., which has been funded by the City for the past four years and was rejected by the Department of Personnel and Civil Service Commission for reasons that they feel are not valid. I'd say to those reasons and why they are invalid in the letter to Georgine Scarpino which I have included, I've read all these particular points. Is there anybody here

in Council that is aware of this? Is there anybody in Council who's taken any action on this? If not, then, I would ask that someone from Personnel come up this coming Wednesday and explain why Ozanam is being denied this particular thing, and I would also ask the Chief Clerk if they could bring someone from Ozanam to explain why they are being cut out of this particular program.

Michelle Madoff:

Mr. President, may I ask Mr. Perry? Would you please write a note to the Superintendent of Police asking whether it is feasible since we have the money in the budget, it's over a million dollars, \$16,600,000, to put on two classes of police, not wait until the end of the year? The money is in the budget. All it will do is create another surplus. I would like to explain why I changed my vote at the same time, because I will be instituting some legal action along the way, and I believe that Mr. Robinson will be supporting me.

Michelle Madoff moved to excuse Mr. O'Malley for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

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Monday, March 28, 1983

No. 13

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, March 28, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. O'Malley

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

We have with us today Sister Sylvia, Sister Rosita, Sister Adele and Sister Mary Ann. I wonder if they would join me. I believe the Sisters are with the good St. Francis Hospital.

As you know, it has been the custom of our office to issue an award of the month to the Outstanding Woman of the Month. This month we have a double header. The first woman, as you know, was Therese Rocco, the second was Bosanka Evosevic and this week we have Ms. Lena Hotujec and Ms. Rose Larcovic. I should point out before I read the award so that I don't make any mistakes that in the audience we have Lena's husband, Nicholas Hotujec, I wonder if he'd stand, Kathryn Micknowski and Walt Micknowski. And we have Rose's sister, Helen Bursich and we have Chris Larcovic, Rose's daughter. We have the people who have worked in the community and Lena's daughter, Geara Lynn.

It is with great honor and great pleasure that today I would like to read this resolution.

Michelle Madoff presents

Bill No. 2783 WHEREAS, the role of women needs to be expanded in society; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Ms. Lena Hotujec and Ms. Rose Larcovic, as volunteer workers, have demonstrated by many years of hard work their concern for Lawrenceville, its people, and its institutions; and

WHEREAS, Ms. Hotujec and Ms. Larcovic, as members of many community groups including: Citizens for a Better Environment, Pittsburgh Neighborhood Alliance, Arsenal Board of Trade, and Pittsburgh Alliance for Jobs, have fought to maintain pride in Lawrenceville; and

WHEREAS, Ms. Hotujec and Ms. Larcovic have raised funds for many other community groups including: Meals on Wheels, Lawrenceville Economic Action Program, and the Women's Slovene Club; and

WHEREAS, Ms. Hotujec and Ms. Larcovic have raised funds and visited the elderly at the Christian Mothers' Group, 57th Street Church, St. Augustine's Church, St. Francis Plaza, St. Justine's Church, St. Mark Dion Church, New Bethel Church, and St. John's Lutheran Church; and

WHEREAS, Ms. Hotujec and Ms. Larcovic have demonstrated concern for those citizens unable to care for themselves: senior citizens, the sick, and widows; and

WHEREAS, they have fought for zoning changes, fought against forced busing and against utility rate increases, fought to deter crime through Block Watch, and fought hard to preserve the pride and character of the Lawrenceville Community;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of the Council of the City

of Pittsburgh recognize Ms. Lena Hotujec and Ms. Rose Larcovic as "Women of the Month" because their dedicated volunteer work has enriched the lives of all the citizens and institutions of Lawrenceville and Pittsburgh.

Michelle Madoff moved to adopt the resolution.

Mr. Stone seconded the motion.

Which motion prevailed.

Sister Sylvia:

I feel that there's no better women in the City of Pittsburgh that this could happen to today. We have Lena and Rose together and it couldn't be done without the two of them being together because they're always in it together. No matter what's going on in the community, if Lena's there you're sure to find Rose there. They're inseparable. And they really work hard together. As far as the community things that have been listed there and what they have been doing in the community, every bit of that is really true.

Also, for the hospital which is part of the community, they are working untiringly. Any time there's anything to be done for the hospital, you can be sure that they're out there in the community helping and really going out for St. Francis.

Like I said, it's really worthwhile that this has been done for these two women and it something that should have been done and needs to be done. And I think there are other people in the community that work hard too, but when I think of Lena and Rose, I just have to say that they work mighty, might hard.

Every time there's something,

Lena is there. The other day down the Convention Center, Lena was down there handing out material for St. Francis General Hospital. She came up and said that she gave it all out the night before and that she had to get some more for tonight. That's just how she goes on - untiringly.

So, we do appreciate this happening to Lena and Rose. It couldn't happen to two nicer people. God bless both of you and may you continue on with your work for many, many years because we still need you.

Sister Rosita:

I just want to say congratulations to Lena and Rose. I don't think there could be two more deserving people. I admire Michelle that she had the forethought to give this to these young ladies. We are pleased to have them in the Lawrenceville area because of what they've done for St. Francis and for what they've done for the citizens of Lawrenceville. We at St. Francis feel that we're trying to do out best but I'll tell you, you cannot do it, you cannot do anything for the people of Lawrenceville unless you have the people of Lawrenceville cooperating with you. Certainly Lena and Rose have done this. It's just beautiful, the spirit that we have now in Lawrenceville, with everybody working toward the same end.

We thank the Council and everyone who has been involved in the support you've given us. Thank you.

Michelle Madoff:

This is sort of an unusual award. You know, Therese Rocco and Bosanka Evosovic were very, very well known in the community. What we're trying to do with the award of the month is find people who normally don't get

recognized, maybe a little bit in their own community, but they don't get the kind of recognition they should have across this whole City and as Councilmembers, we do run at large, we represent everybody and they represent everybody. And I personally want to thank them for being wonderful friends and for being devoted to the community. I wonder if they'd say something.

Lena Hotujec:

We want to thank you. We appreciate this award and we do love all of you at City Council. Without you, we couldn't get this award. We just want to thank you very, very much. And we want to continue whatever we're doing that's good. Thank you.

Rose Larcovic:

We're called the "Little Roadrunners" and I'm really happy to be honored. I want to thank Council for helping us and thank Michelle Madoff and anybody else. I thank you all and I love you all. Thank you very much.

The Chair:

Congratulations, ladies.

Mr. Flaherty presented

No. 2742 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting interim approval for B. Dalfol & Son, Inc., to perform extra work in connection with the Front Steps & Loggia Project at the City-County Building. Cost not to exceed \$35,000.00, payable from Capital Project No. LB 82-07 (4-25-15-2015-82) Renovation of Front Steps & Loggia, Department of Lands and Buildings.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Flaherty moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

Bill No. 2743 Resolution providing for a Contract/s including the use of existing Contracts, for construction in connection with rehabilitation of No. 17 Fire Station, Mt. Washington, at a cost not to exceed \$365,000.00, chargeable to and payable as follows: LB 83-02 (4-25-01-1956-83) \$325,000.00, LB 80-03 (4-25-01-1956-80) \$40,000.00, No. 17 Fire Station, Mt. Washington, Dept. of Lands and Buildings.

Also,

No. 2744 Communication from Daryl H. Smith, Director, Dept. of Lands and Buildings, requesting permission for Alice Khalil to attend a seminar on Management Skills for Women in Business at the University of Pittsburgh on May 25, 1983, at a cost not to exceed \$220.00, payable from Code Account 1361, Misc. Services, Dept. of Lands and Buildings.

Which were read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2745 Resolution repealing Res. No. 864, approved 8/24/81, eff. 8/31/81, entitled, "Providing for a

Contract or Contracts for repaving and widening of Warrington Avenue from Boggs Avenue to Arlington Avenue including necessary work on private property, necessary waterline work and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation; and providing for the payment of the cost not to exceed \$3,250,000.00, payable from PW81-12 \$3,000,000.00 and WD81-14 \$250,000.00. Reimbursement received from the Commonwealth of Pa. or the federal government shall be deposited in Capital Fund Account PW 81-12.

Also,

No. 2746 Resolution providing for a Contract or Contracts for the Reconstruction of Warrington Avenue from Haberman Street to Arlington Avenue, including necessary work on private property, necessary waterline work, and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pa., Dept. of Transportation, and providing for the payment of the cost not to exceed \$4,436,229.20.

Also,

No. 2747 Resolution providing for a Contract or Contracts for the Rehabilitation and/or Replacement of Pumping Stations at various locations in the City of Pittsburgh, including electrical and piping work, necessary work on private property, and other work incidental thereto; and providing for the payment of the cost thereof. Funds are available in Code Account PW 82-21, 4-01-25-0900-82, Sewage Pump Station Rehabilitation. Cost not to exceed \$170,000.00.

Also,

No. 2748 Resolution providing for an Agreement or Agreements with Frank Moolin and Associates for Engineering Services in connection with the In-Depth Inspection of the 28th Street Bridge; and providing for the payment of the cost thereof. Funds are available in Code Account PW 81-16, 4-01-05-0001-81, In-Depth Inspection by Contract. Cost not to exceed \$31,150.00.

Also,

No. 2749 Resolution providing for an Agreement or Agreements with Fayette Engineering Company for Engineering Services in connection with the In-Depth Inspection of the Heths Run and Meadow Street Bridges; and providing for the payment of the cost thereof. Funds are available in Code Account PW 82-10, 4-01-05-0001-82, In-Depth Inspection by Contract. Cost not to exceed \$45,800.00.

Also,

No. 2450 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting permission for Brother Richard Emenecker to attend a meeting of Municipal Cable Administrators in Washington, D.C. on March 24, 1983 at a cost not to exceed \$290.00, payable from Code Account 1661, Misc. Services, Supplies, Repairs, Materials and Equipment. Prior approval granted by Council on March 21, 1983.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2751 An Ordinance amending the Pittsburgh Code, Title Seven-Business Licensing, Article VII-Service Businesses, Chapter 763, Parking Lots,

by adding additional safety requirements for the licensing and operation of open and enclosed parking lots.

Which was read and referred to the Committee on Public Safety.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mrs. Masloff presented

No. 2752 Resolution providing for the filing of application by City of Pittsburgh w/Pa. Commonwealth, Dept. of Education for grant w/SPECIAL SUMMER FOOD SERVICE PROGRAM PROJECT, providing for execution of Grant Contracts and filing of requisitions and other data; approving the Project; providing for required assurances; providing for execution of payment vouchers or Letter of Credit and for certification of authorized signatures, and providing for deposit of funds in Special Summer Food Service Program account.

Also,

No. 2753 Resolution amending Res. No. 243 effective April 11, 1980, entitled, "Providing for an Agreement or Agreements for professional services in connection with the design of South Side Park by decreasing the amount provided from \$15,000.00 to \$10,400.00, chargeable to and payable from Project Code 4-10-10-1498-78-107-78-10 (Project No. PR 78-19 South Side Park Improvements), in the Department of Parks and Recreation.

Also,

No. 2754 Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of Assorted African Waterfowl for the Dept. of Parks and Recreation, and for payment thereof, cost not to exceed \$12,750.00, payable from Code Account No. P.Z.M.T.F., Pittsburgh Zoo Membership Trust Fund.

Also,

No. 2755 Resolution providing for authorization to enter into an Agreement or Agreements for personal services in conjunction with the 1983 Festival, Senior Citizens, Special Events, and Concert Programs the costs thereof. Payments shall not exceed \$5,318.00 from Code Account 1843, Senior Citizens Program; \$2,000.00 from Code Account 1837, City Wide Events; and \$12,000.00 from Code Account 1833, Concerts.

Also,

No. 2756 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in connection with the 1983 Visual and Performing Arts Program and providing for the payment of the cost which is not to exceed Forty-Two Thousand Five Hundred (\$42,500.00) Dollars, chargeable to and payable from Code Account 1838, Recreation Activities, Misc. Services, Dept. of Parks and Recreation.

Also,

No. 2757 Resolution providing for an Agreement or Agreements with C. Richard Hays and Associates, for professional services to provide Artwork for the Fowler Pool and Playground Renovation at a cost not to exceed

\$11,000.00 chargeable to and payable from Project Code #4-10-10-1660-78 (PR 78-30) Public Art Program, Dept. of Parks and Recreation.

Also,

No. 2758 Communication from Wendy Bell, Deputy Director, Dept. of Parks and Recreation, requesting interim approval for payment for the purchase of a Female Orangutan at a cost not to exceed \$6,000.00, payable from Code Account Pittsburgh Zoo Membership Trust Fund.

Also,

No. 2759 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for herself to attend the Urban Park and Recreation Conference in White Plains, New York on April 28-May 1, 1983, at a cost not to exceed \$310.00, payable from Code Account 1801, Bureau of Administration, Misc. Services.

Also,

No. 2760 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Susan E. Davis, Kenneth E. Lindsey and Susan Verdu to travel with the Pittsburgh Goal Getters Sports Team to participate in a wheelchair soccer game at Slippery Rock State College, Pennsylvania on April 16, 1983, at a cost not to exceed \$200.00, payable from Code Account 1844, Special Populations Programs, Bureau of Recreational Activities, Dept. of Parks and Recreation.

Which were severally read and referred to the Committee on Parks and Recreation.

Mrs. Masloff for Mr. O'Malley presented

No. 2761 Resolution providing for a Contract or Contracts from time-to-time in connection with the demolition and removal of condemned buildings and providing for the payment not to exceed \$615,000.00, payable from FD 83-01, (4-27-10-0005-83-13-83-27).

Also,

No. 2762 Communication from Charles Lewis, Chief, Dept. of Fire, requesting permission for Thomas W. Hitchings to attend the Governor's Interagency Committee on Arson in Harrisburg, Pennsylvania on March 30, 1983, at a cost not to exceed \$225.00, payable from Code Account No. 1463, Misc. Services and Repairs, Dept. of Fire.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2763 Resolution amending the Rules of Council, 1982-1984 by changing the fine from \$10.00 to \$25.00 for any unexecuted Councilmember not present at Council meetings; changing the fine from "\$5.00 to \$20.00" to "\$25.00 to \$100.00" for any Councilmember who transgresses the rules of Council; providing for a minimum of 3 appointed Members of Council on each Standing Committee; requiring the Chairman of each Standing Committee to read and present to Council all bills in that Committee when sitting as a Committee; requiring all proposed Resolutions and Ordinances to be reviewed by the City Solicitor and have a legal opinion attached to each bill; and requiring all Standing Committees of Council to meet twice each month.

Which was read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 2764 Resolution voiding and terminating the Cable Communications Agreements and Contracts between the City of Pittsburgh and Warner Cable Corporation of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 2765 Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Mercy Hospital of Pittsburgh for permission to construct a private hospital heliport on property located on the northwest corner of the BOULEVARD OF THE ALLIES and MARION STREET, 1st Ward.

Michelle Madoff:

On the bill that was just introduced on Mercy Hospital with the heliport, won't that have to wait until we pass legislation regulating all heliports?

Mr. Stone:

When it comes up on the agenda we'll discuss it.

Michelle Madoff:

Well, I just think somebody ought to tell them that that is pending and that they just don't expect to be coming up shortly. I think we could give them a courtesy call.

Also,

No. 2766 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting permission for Paul Farmer to attend the annual American Planning Association Conference in Seattle, Washington from April 15-21, 1983, at a cost not to exceed \$1,500.00, payable from Code Account 4-35-01-0001-82-49-82-35, Program Administration.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2767 Resolution providing for the issuance of a warrant in the amount of \$1,068.79 in favor of Donald L. Meyer for automobile damage by a Bureau of Refuse truck, charging same to Code Account No. 46, Judgments.

Also,

No. 2768 Resolution providing for the issuance of a warrant to Mary Kolesar and Leo Kolesar, c/o Arthur M. Lebovitz, Esq., 700 Manor Building, Pittsburgh, PA 15219, in the amount of \$1,500.00, in full settlement of claim for personal injury as a result of falling on street car tracks at Penn Avenue and Stanwix Streets, Pittsburgh, Pennsylvania, charging same to Code Account No. 46, Judgments.

Also,

No. 2769 Resolution providing for the issuance of a \$978.49 warrant in favor of Lapcevic Carpet & Draperies for damage to his van by a City Bureau of Refuse truck, charging same to Code Account No. 46, Judgments.

Also,

No. 2770 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting permission for Mina Gerall, Mary Bailey, Jack Wilson and Elaine Sadowski to attend an Energy Task Force meeting in Houston, Texas, April 17-20, 1983, at a cost not to exceed \$3,000.00, payable from the Energy Task Force Trust Fund. The City will be reimbursed from the Department of Energy for this expense.

Also,

No. 2771 Communication from Edward Walkowski, Manager, City Information Systems, requesting permission for Joseph Kostrub to attend the Spectrum International Data Processing Productivity Seminar in Pittsburgh, April 25, 1983, at a cost not to exceed \$95.00, payable from Code Account No. 1043, Misc. Services, City Information Systems, Department of the Mayor.

Also,

No. 2772 Communication from Edward Walkowski, Manager, City Information Systems, requesting permission for Paul Krall to attend Honeywell Level 66 System Courses in Atlanta, Georgia, April 25-29, 1983, at a cost not to exceed \$1,825.00, payable from Code Account No. 1043, Misc. Services, City Information Systems, Department of the Mayor.

Also,

No. 2773 Communication from Stephen Schillo, Deputy Director, City Treasurer, Dept. of Finance, requesting permission for himself and James Turner to attend the Municipal Finance Officers Association Annual Conference in Toronto, Canada from June 11-14, 1983, at a cost not to exceed \$2,500.00, payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Also,

No. 2774 Communication from Melanie J. Smith, Director, Dept. of Personnel and Civil Service Commission, requesting permission for David Farley to attend the Quarterly meeting of the Pennsylvania Association of Prime Sponsors meeting in Harrisburg, Pennsylvania on March 30-31, 1983, at a cost not to exceed \$400.00, payable from the CETA Trust Fund, federal funds.

Also,

No. 2775 Communication from Melanie J. Smith, Director, Dept. of Personnel and Civil Service Commission, requesting permission for Philip B. Schugar, Georgine Scarpino and Marvin Fein to attend a meeting with the U.S. Department of Labor Grant Officer in Philadelphia, Pennsylvania on April 8, 1983, at a cost not to exceed \$875.00, payable from CETA Trust Fund, federal funds.

Also,

No. 2776 Communication from Stephen A. Schillo, Deputy Director-Treasurer, Dept. of Finance submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of February 28, 1983.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

Bill No. 2777 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto Bill No. 2623 entitled, "Resolution establishing a Cable Communications Training and Internship Program for the City of Pittsburgh."

(MAYOR'S LETTER RE COUNCIL BILL 2623)

March 23, 1983

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

I am returning herewith, as vetoed, Council Bill 2623 of 1983 which purports to establish a cable communications training program for the City of Pittsburgh. My objections to the Bill are that it is illegal, it would hamper the operations of the Bureau of Cable Communications and it is unnecessary.

Attached is an opinion from the City Solicitor holding that this Bill is illegal because it violates the Home Rule Charter in that it purports to give Council power to appoint employees of the City when those powers are expressly reserved to administrative officials.

Even if Council Bill 2623 were not illegal, it would impinge upon the efficient operation of the Cable Communications Bureau and its ability to serve the general public. The Cable Bureau has the responsibility to monitor and regulate cable communications in Pittsburgh for the benefit of all residents. Additionally, it coordinates

the utilization of the City of Pittsburgh's government communications channel.

The Bureau has estimated that the internship program would cost \$250,000 per year for intern salaries, staff to conduct training and supervise the interns, additional television equipment for training and production purposes and other costs for administering the program. This does not even include the cost of outside consultants that this Bill purports to mandate.

The overall impact of the Bill would be to restrict the Cable Bureau's ability to discharge its principal responsibilities by diverting its energies and resources to this unnecessary and costly program.

Furthermore, the Bill serves no discernible need. Warner Cable presently is conducting an internship program with local colleges and universities to give their students practical experience in the area of cable communication. Also, the franchise agreement with Warner provides for the free training and use of five fully equipped and staffed neighborhood television production facilities that can be used by all residents and organizations located within the City of Pittsburgh.

For the above reasons, I return Council Bill 2623 of 1983 as vetoed.

Very truly yours,

RICHARD S. CALIGUIRI

RSC:dk

(END - MAYOR'S LETTER RE COUNCIL BILL NO. 2623)

The Chair:

You heard the veto, vote aye to

sustain and nay to override.

Mr. Stone:

If you want to sustain the veto, vote no.

The Chair:

You better get clarification on that. You're voting on a veto. Aye to sustain and nay to override.

Mr. Robinson:

We're voting on the motion, Mr. Stone's motion.

The Chair:

Okay, but you still have a resolution and that's what you're voting on. Right, Mike?

Mr. Perry:

You're voting on the motion to override.

The Chair:

I stand corrected. Aye to override and nay to sustain.

Mr. Robinson:

Mr. President, if I might. On Bill 2623, I'd just like to share with members of Council some information that may be helpful in making a decision on the vote.

First, the ability to select trainees rests with the developers and implementors of the program and they are identified in the legislation as the Superintendent of the Cable Bureau and those consultants with whom he would be working, and members of Council would not be involved in the process of selecting any of the interns or trainees.

Also, the Cable Bureau is a part of City government and serves City government as our communications vehicle to inform, educate and instruct the general public. It also serves all units of City government and certainly what is proposed in Council Bill 2623 is an attempt to better prepare us to educate and instruct the general public as well as serve those units of government.

The cost for this effort would be determined by the developers and inasmuch as the program has not yet been developed, we certainly don't know what the costs would be but certainly the monies that we receive pursuant to the franchise fee would be sufficient to establish this program.

Any outside assistance that would be secured can be secured through several means. That is, outside assistance in putting the program together. Whether it comes from many of our colleges or universities or paid consultants, certainly there is expertise outside of government that comes from many sources, some of which we may have to compensate individuals for, some of which might be given to us gratis.

Lastly, I think there is a need for all units of government to be completely familiar with this new technology called cable communications. The necessity to utilize this new technology is rather obvious and the Administration has already begun to move in that direction, and all one need do is watch Channel 17, our government communications channel, to see that indeed the City of Pittsburgh is using quite effectively this new technology.

Also, I think the full utilization of the potential of the Cable Communications Bureau will provide for efficient and up to date government and

certainly one of the things that the Bureau is doing is better preparing us to deal with the problems of government and certainly I think we should all remember that the Cable Communications Bureau is a unit of City government for those of us who work in City government to utilize to do our job better.

So, I would just hope that all members of Council would take those facts into consideration prior to voting.

Michelle Madoff:

Mr. President, I'd like to point out to Mr. Robinson and my colleagues that before we voted on the cable contract, TCI put up a quarter of a million dollars to train cable installers without knowing whether they were going to get the contract or not and they were the company that had the lowest rate on the first level. As you know, when we got to the final vote we really didn't have much choice in this Council. There were only two names recommended to us, that of ATC in New York and Warner. My situation was a matter of which of the two to take and I couldn't go with ATC that showed swim-a-thons and Ugly George and Midnight Blue on their show. At that point, Warner seemed to have the most advanced state of the art. Now we're in a situation that this bill might be a moot bill because if they don't want the contract, if they're looking for a thirty percent increase, why don't they just give us a certified audit and we'll put the contract up for bid again. This may be a moot issue. They may not be the contractor we'll be dealing with.

Mr. Stone moved to override the Mayor's veto.

Mr. Woods seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

I am supporting the Mayor's veto and the reason why is that I have heard the arguments, the debate of a few weeks ago, and I have read the Mayor's reasons for the veto of the bill and I still cannot see the necessity for each member of Council to have a cable intern. I have heard that some of the reasons are that this will attempt to facilitate the representation on Council, it will keep the public more informed. I think they are all very laudible arguments but I cannot see their relationship to members of City Council having a cable intern. I think this Council should be working more towards perhaps having a legitimate staff to handle constituent services and for purposes of research.

As was brought out in the Mayor's veto, by each member of Council having a cable intern, this will run in excess of at least a quarter of a million dollars annually. It's important to keep in mind, I don't think we are going to supervise or that we are even capable of supervising or having the expertise to train our cable interns. This is going to fall upon the crushing responsibility of what our current cable personnel now have. It's just going to be an added responsibility. To them, the bottom line is it's going to be an added cost.

Mr. Givens:

I vote no and I'd like my remarks from the last Wednesday session to be brought forward. However, I don't think the concept or the idea is totally wrong that we in Council, as we have other internships come in here to study government, that we cannot have interns

come in here to study how the new media of cable communications apprise to government and what those effects are. I think that's very important. I think in such cases Council has contingency funds set up wherein we can help pay for these people. I have to agree in talking with Brother Richard Emenecker that presently our Cable Bureau of the City of Pittsburgh does not have the capability to really sit down on an internship-type basis. For that reason, I vote no and no only. I think there are areas for exploration and future endeavors by this Council and I hope that Councilman Robinson would continue to look into them.

(BEGINNING - MR. GIVENS' REMARKS
ON BILL NO. 2623 - 3/9/83)

Mr. Givens:

Mr. Chairman, everything comes down to finances, and we are talking about the five percent, and we only draw down what we are actually using. I think Bill has a very appropriate thing, but using our own bureau people for internships--we've all had internships, I've had them within my own Council--all of us know that it takes us away from our assigned task to help some young aspirant to be more familiar with what is going on within government. It is time consuming, but when there is a production that must be made, do we have the capability? We have to expand it and draw-down some more of this money.

My question is, has this ever been discussed with Brother Richard Emenecker, the Bureau Chief? I ask that to you, Director, and I ask that also to Councilman Robinson.

Director Gaetano:

I have spoken to Brother Richard

about it, and Brother Richard stated just everything I have been saying right here. The fact of the matter is, I will need additional people to help. We have a very limited number of camera people right now, and the more departments come in and use this Channel 17, use our government channel, the more my people will be taxed. I will need additional people, and Brother Richard has mentioned that to me, yes.

Mr. Givens:

We have a budget; the budget says five percent of whatever their gross receipts for the first three years, they give us a flat rate, thereafter it is a certain percentage, five percent of the gross thing, and we can go up to that figure. If we go beyond that, then we are going to be tapping into the general revenues. I am trying to think of how that thing reads downstream; that phases out in about 12 years or something.

Director Gaetano:

Something like that, then it phases out and we pay back.

Mr. Givens:

Does anybody recall how that mechanism was set up?

MR. ROBINSON COMMENTS

Mr. Givens:

It phases out. That is like Emergency Medical Services, it is a beautiful thing. We started under a federal program, now it is part of our actual budget. I just wondered if you can just keep on tacking on into government, you know, the various skills. If the people would stay here in Pittsburgh, I would say great. I think we have something here in the Warner CUBE

system, that it is very high technology, the people can be trained, but generally, they will probably be leaving the City of Pittsburgh and moving on to where other systems are being developed. We are looking at people who want to remain here, hopefully, in Pittsburgh. There is a certain moral obligation to train people if we have the capability of doing it.

To approve this, I have no problem with it, I think it is great. But, I think there has to be some controls. I have some problems about Councilman Dick Givens, if I read that properly. I have some problems if, Bill, did I understand you that the Council people will be submitting names of internships?

MR. ROBINSON COMMENTS

Mr. Givens:

Each one, I think you mentioned all of Council, the Mayor, the Controller. I have problems with that for this reason, I don't feel that I am in a capacity, as an elected official, to be having internship. I'll give you an example of that. The state senators of the State of Pennsylvania used to give scholarships out to various people, and it became very political.

THE CHAIR COMMENTS

Mr. Givens:

I totally agree with that, too.

THE CHAIR COMMENTS

Mr. Givens:

I agree with that, but the thing is that people do appeal to you and I have to appreciate that those that were receiving it were ones that were in need of it and had the educational expertise. I think it is something that if it is going to

be interns, then I think we should turn it over to the people that are the experts in there, and that is our Bureau of Cable Communications. We are going to have 100 or 200 people coming to us saying that they need this break in life, and I think that has to be administered where the work is actually going to be done, and that is within the Bureau of Cable Communications. The screening process should be done down there. I would hope that this councilman would not be a part of the final selection because I am not technically qualified to say who should get it and who should not get it.

I have one problem with the one sentence.

MR. DE PASQUALE COMMENTS

Mr. Givens:

Yes, Jeep, but when you and I select that person, I have a problem with that.

Has Brother Richard reviewed this specific piece of legislation, Director?

Director Gaetano:

Yes, he has.

(END - MR. GIVENS' REMARKS ON BILL NO. 2623, 3/9/83)

Michelle Madoff:

The City of Pittsburgh passed, I believe under the Home Rule Charter, a law that the employees would be handled or hired under Merit Civil Service. Council chose not to abide by that rule and indeed indulges in patronage. We take turns at hiring and when it came to my turn --

The Chair:

Michelle, stay on the motion.

Michelle Madoff:

I am on the motion.

The Chair:

You're not on the motion.

Michelle Madoff:

I am on the motion.

The Chair:

Go on with the voting. She doesn't want to vote.

Michelle Madoff:

When it came my turn for patronage, I did not accept it and said to Mike Perry, City Clerk, "You go ahead and interview somebody. Just make sure they've had the Merit Civil Service test and pick the person you want."

Because of that and because I do not believe in patronage, I must vote no.

Mr. Stone:

In view of the legal opinion indicating that this is illegal, I vote no.

Mr. Woods:

I vote no for the same reason as Mr. Stone.

The Chair:

Is there any discussion on the veto?

And on the question, "Shall the veto pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Robinson

AYES 1

NOES 7

VOTING NO:

Mr. Flaherty

Mr. Stone

Mr. Givens

Mr. Woods

Michelle Madoff

Mr. DePasquale

Mrs. Masloff

(Pres't)

And a majority of the votes of Council not being in the affirmative, the veto is sustained.

Mr. Givens:

Before we go forward, there's certain papers that are put in front of our desk, Mr. President. Who put these here? Did they clear this through you?

Mr. Perry:

I have no idea.

Mr. Givens:

I think there should be some control then. If people just come up and put papers on these desks for this Council to read, I'm assuming they're coming from either a member of Council or from the Chief Clerk.

Mr. Perry:

I don't know what that is.

Mr. Givens:

Then I think that we should have a little more security control in here.

Woman on side:

I put those papers there. I'm sorry. I didn't know.

Mr. Givens:

Thank you. I would appreciate it, and I'm sure other members of Council would, if you would see either the President or the Chief Clerk prior to putting anything on our desk because anything that appears here is of an official nature as far as this Councilman is concerned. I apologize if you didn't know that.

The Chair:

In the future, give them to the Chief Clerk.

REPORTS OF COMMITTEES

Mr. Stone moved to suspend Rule 8 providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. This is the fifth time since the beginning of this year. Why did it happen, Mr. Perry?

Mr. Perry:

We were late on it. That's all.

Michelle Madoff:

Mr. Perry, that's not an answer.

Why was it not mailed? Why was it not ready? Why did we get out bill just before we got in here?

Mr. Perry:

The files weren't complete.

Michelle Madoff:

Are you having problems with the staff.

Mr. Perry:

No, ma'am.

Michelle Madoff:

You wouldn't say that if you were, would you? It's all patronage. We understand.

Mr. Givens:

Point of order, if I might. This is the standing rules of Council right now, is it not?

The Chair:

It is.

Mr. Stone presented

Bill No. 2778

Report of the Committee on Finance for March 23, 1983 transmitting sundry resolutions and two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2671

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Scott Brothers Equipment, R.D. #1, Box 200, Coraopolis, PA 15108 in the amount of \$1,006.81, in payment for Repair of a Back-Hoe Loader furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Michelle Madoff:

On Bill 2671, I would like to point out to Mr. Woods, Supplies Chairman, that we are now paying another thousand dollars to repair a seventeen year old back hoe. We could have bought one for the money that we spent just in the past few months at a repossession that's when you but one for \$17,000 and it costs \$70,000. We spent thousands on rentals and repairs. I hope you'll look into it, Sir.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2678

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article Five, Discrimination, Chapter 659, Unlawful Practices, by adding a new section, Public Policy and Records."

Which was read.

Mr. Robinson moved to recommit Bill 2678.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also, with an affirmative recommendation,

Bill No. 2679

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Article III, Depositories, Section 223.01, Distribution of Deposits."

Which was read.

Mr. Robinson:

On Bill 2679, I'd like to offer two amendments.

Mr. Givens:

That was amended on Wednesday, wasn't it, Bill?

Michelle Madoff:

It was my amendment.

Mr. Robinson:

On Wednesday, we did make some adjustments, but I'd like to offer some additional amendments if I might. I forwarded to each member of Council a

memo dated March 25, 1983 relative to Bill 2679. Basically what I'd like to do is offer one amendment to delete Section 1B, that portion which reads, "But not to exceed their legal capacity".

Michelle Madoff:

What is your purpose, Mr. Robinson, please? That was my amendment.

Mr. Robinson:

The purpose is to not be redundant. It's rather obvious that we could not place our resources in any financial institution beyond that institution's legal capacity to accept those funds. We're already stating something that's obvious in the law.

Michelle Madoff:

Mr. Robinson, would you like to reverse it and write, "But not less than their legal capacity"?

The Chair:

Do we have a second on Mr. Robinson's motion?

There being no second, the motion doesn't carry.

Mr. Robinson:

If I might, Mr. President, I'd like to offer another amendment. In Section 1B add, "But not less than their legal capacity".

Michelle Madoff seconded the motion.

Mr. Stone:

Mr. President, may I make a comment? If he puts that in, you're going to make the bill illegal. You can't

tell that it has to be up to that capacity. I think that the general desire of everyone, as far as I know it right now, is that they be funded up to their legal capacity, but you can't say that it has to be. You're going to make the bill illegal if you do that. I'm just forewarning everybody.

Mr. Robinson:

I offered an amendment to delete the section which said, "But not to exceed their legal capacity" which would in effect, Mr. Stone, have given you the results that you're suggesting. That is that we would allow the normal course of events to dictate the amount of money that would be placed in that institution. I couldn't get a second to that amendment.

Mr. Stone:

I think what's in here is right. But if you say that it can't be less than that then I think you would have a problem. What you said, if you mandate something, you can't do what you can do otherwise. I'm talking about a legal situation. Purely technical, legal results.

Mr. Robinson:

It would also say that we would not want to restate the law by saying, "But not to exceed their legal capacity". It's rather obvious that we can't put any money in any institution beyond its legal capacity.

Mr. Stone:

I think that needs cleared up, Mr. Robinson, because as I understand it, New World can't take \$2 million. That one is much less than what it was before.

Mr. Robinson:

But we're not limited to New World National Bank.

Mr. Stone:

I know that. But this is how far this thing has gone. We were talking \$2 million last Wednesday and I understand that thing is not even a tenth of that. But at any rate, if it's in, I will vote against this motion and I will also vote against the bill as amended.

The Chair:

Mr. Stone, if I read you right, you're saying we all would hope that they would take it up to the legal capacity but if we put this amendment in, it would take away from them the right to lower it, which they probably won't do, but they still legally have to have that right.

Mr. Robinson:

Then I will withdraw my motion.

Michelle Madoff:

I'll withdraw my second.

Mr. Robinson:

Now I would just like Mr. Stone to be clear that what is in the bill now in Section 1B, "But not to exceed their legal capacity" is redundant and unnecessary.

Mr. Stone:

No, I think it should be there.

Mr. Robinson:

There is no other banking institution that we deal with in the City where we have this type of restriction

but into the legislation that authorizes money to be put into it.

Mr. Stone:

But we talked about thirty percent before which was \$70 million.

Mr. Robinson:

But the thirty percent has been removed from the bill. There's no percentage in the bill now.

Mr. Stone:

I think that one is past. There has been a motion, it was not seconded. I just talked about the second proposed amendment.

Mr. Robinson:

Mr. President, I have a third amendment and that would be to add a Section 1D. If Council will remember, we removed the original Section 1D and I'd like to replace it with a section that will clearly identify what we mean by minority. This definition that I would like to put in this section is consistent with the definition that we used in our Cable Communications Franchise Agreement when we were attempting to identify what we meant by minority. It should read, "Minority shall mean a citizen of the United States of America who is not a member of the Caucasian race and is of Oriental, Asian, African, American Indian, Eskimo, Aleut, Puerto Rican or Mexican American ancestry."

The Chair:

Are we to assume then that white women are not part of minority?

Mr. Robinson:

By way of this definition they

would not be.

Mr. Givens:

Bill, is that in the guidelines of the Federal Regulation? Is there anything left out other than what the Federal Government —

Mr. Robinson:

No. This is consistent with what is done at the state, federal and local levels. I said this is the definition that we already have contained in our cable franchise.

Mr. Stone:

Based on that representation, I'll second it.

Which motion prevailed.

Michelle Madoff:

Mr. Robinson, I don't think we can let the issue as it stands pass without a comment. Deposited monies by the City of Pittsburgh or all other funds shall be distributed, and we took out thirty percent and my amendment was put in, but not to exceed their legal capacity. We're told that is legal but we're told that less than their legal capacity would not be illegal. I think it's important to point out that until you pressured the Administration to get the figures, we were all under the impression that indeed the Administration was giving or doing their best to obtain fifteen percent for minorities and women on contracts that the City had control over. And what we found out is that the Mayor's people came in and before they even presented the figures said, "We, the Administration, is appalled. We are surprised at what we saw. We, the Mayor, want to do something about it." And now they're saying, "Well, we're

going to give them some monies but not to exceed the legal capacity." Well, one dollar wouldn't exceed the legal capacity.

My concern is that we're going to get more rhetoric. It will be another ten years until somebody gets the figures back and we may find out that with all the good intentions, we're back to where we were when we started.

Mr. Flaherty:

I would also care to respond to that. I know that we have had a lot of discussion here in regard to what the legal capacity is. But I have not seen any substantiation, or no one has quoted to me the source that says what the legal capacity is.

Mr. Robinson:

I did. I spoke with Mrs. Mildred Glenn, who is the President of New World National Bank, and she assured me that their capacity is \$2 million.

Mr. Flaherty:

Yes, but from what source or what State regulation says that their capacity is \$2 million?

Mr. Robinson:

They are operating under laws of the Commonwealth of Pennsylvania and of the United States of America and the rules and regulations that are established by the specific institutions designed to control banks determine what their capacity is now. That capacity obviously can change. That is their capacity as of the date that I spoke with Mrs. Glenn.

The Chair:

Excuse me, Mr. Robinson, this is a

banking institution, right?

Mr. Robinson:

Yes, sir. As I mentioned before, there's nothing in the law which restricts us from putting money in banks in other cities. But we're not talking about New World National Bank. This legislation does not specifically speak to New World National Bank. The money can be put in any minority financial institution. I think Mr. Stone's concern that we keep as much of our money as possible at home is very timely and very important and I think it makes a lot of sense. But we are not here speaking specifically about New World National Bank.

Mr. Flaherty:

I would just want to follow up on something that Michelle Madoff had hit upon and also Councilman Robinson earlier. And that is keeping that language in regard to the legal capacity, the amendment that was added in the Wednesday Committee Meeting which reads, "Not to exceed their legal capacity". It strikes me that it is superfluous language and also the language has absolutely no impact since the capacity of any bank is regulated by a law higher than what this Council can enact.

But the problem I have in keeping that intact in the bill, I think it is sort of mean-spirited and it's a bad symbol, it's bad language because, as Councilman Robinson pointed out earlier, —

Mr. Stone:

Mr. President, point of order. There was —

Mr. Flaherty:

Could I please finish, Mr.

President?

Mr. Stone:

Point of order.

Mr. Flaherty:

Mr. President, could I please finish? I didn't interrupt Councilman Stone when he was talking. He can respond to me when I'm through talking and if he wishes to correct me then he can.

Mr. Stone:

Point of order.

The Chair:

Point of order.

Mr. Stone:

There was a motion made, it was not seconded. It has passed that issue. Any more discussion on that matter is —

Mr. Flaherty:

That is not my understanding. I did not hear the motion made, otherwise I would have seconded that motion.

Mr. Stone:

The time has passed to second it.

Mr. Flaherty:

Wait. I don't recall that motion. Who made that motion?

Mr. Robinson:

I made the motion to delete that section. There was not a second.

Mr. Flaherty:

Well, is there any way that the motion can be made again?

The Chair:

No, Mr. Flaherty.

Parliamentarian:

To reconsider.

Mr. Robinson:

A motion to reconsider that issue?

Mr. Flaherty:

Then I move to reconsider that issue.

Michelle Madoff seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

I would hope that this Council would move to reconsider the issue because, as I was saying earlier, I think that language is superfluous, it serves no meaning. But I think this Council should be most sensitive to the symbolism of that language. I think it reads in a very mean-spirited fashion and we certainly do not put iron-clad superfluous language in regard to any contractual agreements that we have with white-controlled financial institutions in this City and I think we should be sensitive to the language in regard to the legislation that deals with minority-controlled financial institutions.

Mr. Givens:

I think that the wisdom of our

federal government, our state government and our banking institutions and that of the taxpayers of the City of Pittsburgh, I must be concerned that experience has so indicated to us that we should follow these guidelines. I vote no.

Michelle Madoff:

I don't believe what's happening here. Mr. President, the amended language was to amend thirty percent which we were told was illegal. The compromise was to say, but not to exceed their legal capacity. The reason I am supporting Councilman Flaherty's motion to reconsider is that I believe every member of this Council has a right to be heard. And if he inadvertently overlooked that point and wishes to discuss it, he should not be cut off by another Councilmember by say that already passed. I think it needs some discussion in that when I said, "but not less than their legal capacity" and Mr. Robinson introduced that to be sure that some monies would go into minority banks, we were told that was illegal by one member of Council. I don't know that that is indeed illegal. That is not insulting language. And we just seem to have opinions that are put down upon us so that when they want our opinion they'll give it to us. And I think it's very rude and very obvious to people listening to this Council —

The Chair:

Michelle, stay on the motion.

Michelle Madoff:

On the motion, I am trying to say that we ought to give a member of Council who wishes to be heard the opportunity to be heard. And, Mr. President, I am very aware, and so is the public, that this is a very well orchestrated attempt to make it look

like I interrupt every time I want to ask a question. And the public is not stupid, Sir.

The Chair:

You didn't have the courtesy to second the motion before, now we hear a half an hour speech.

Michelle Madoff:

Because I raised another issue.

The Chair:

That's how much you cared about it before.

Michelle Madoff:

Just one moment, Mr. President. You made an accusation that needs answering.

The Chair:

Are you voting aye or nay?

Michelle Madoff:

You made an accusation that needs a response. I said no less than their legal capacity and I was told that was illegal.

The Chair:

Go on with the vote.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson

AYES 3

NOES 5

VOTING NO:

Mr. Givens
Mrs. Masloff
Mr. Stone

Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Any further discussion on the bills themselves? If not, they're ready for final motion. Aye to approve and nay to disapprove.

Michelle Madoff:

Can we have some discussion before we vote?

The Chair:

I already asked for discussion and you didn't care to discuss it.

Michelle Madoff:

You just said, "On the bill" and someone said —

The Chair:

I said, "Is there any further discussion on the bills themselves", you did not care to respond. We're now voting on the bills and it's Mr. Flaherty's turn to vote.

Michelle Madoff:

I just wanted to speak but I gave

Mr. Flaherty the opportunity to speak first because he was cut off before.

Mr. Flaherty:

Well, I'll just explain my vote. I am supporting the measure. I could enthusiastically support it if that superfluous language which was added in regard to the thirty percent language which was deleted but we kept the clarifying amendment, if that was removed. But I am going to support it even though I feel that we are giving the bill a scarlet letter.

Mr. Givens:

You might say there's some who know the greatest wisdom of our federal and state government. I vote yes.

Michelle Madoff:

I vote aye on Bill 2679 but I would like to say that I would like to see some results not just a lot of verbiage and a lot of window dressing and saying we want to help minority banks. I want to see some money in there and I'm sure Mr. Robinson will follow up on that.

Also, with a **NEGATIVE** recommendation,

Bill No. 2681

A Resolution entitled, "Resolution Re-opening the 1983 Budget for consideration of all budgetary items presented and approved during 1982."

Which was read.

Mr. Flaherty:

I vote aye on 2681 because I feel that Council should be sensitive and it should have a certain degree of fluidity and we should be in the position to

respond to requests from our constituency or the need to change any form or any operation of any of the Departments. The only way that Council can be in a position to be responsive and to act in a responsible form is to have the power to re-open the Budget. This is not a radical move. It's important to keep in mind that on any issue that Council should deem important to re-open the Budget it would take a majority of the members of Council to approve that. Therefore, I vote aye.

Mr. Givens:

I vote no on this particular measure and for the eight years I have sat on this Council we have never in fact re-opened the Budget. It's of an emergency nature. The Budget was open for the purpose of gaining money that was a windfall. This was not anticipated on the sale of one particular building, the U.S. Steel Building, in the City of Pittsburgh. That money, then, was to be put into a jobs corp for the unemployed of the City of Pittsburgh. I think we have to probably go back to the '30's before we would find a situation of the magnitude that we're addressing today. So, for that reason, I think when the Budget is finally deliberated in December and finally voted on, that is the time to cast your vote and only under extreme emergency situations should this Budget be opened back up.

And if I might, Mr. Perry, for the remarks on this particular bill, I would like my comments of a press release that I had made in the year of 1982 be incorporated into my remarks which indicates what Michelle was talking about and that is surplus.

(BEGINNING - MR. GIVENS' PRESS
RELEASE - 1982 MESSAGE TO
COUNCIL)

The protests are starting to come in. This morning's paper, one taxpayer complained about the size of the proposed tax package. We heard a number of citizens protest during our budget hearings. In recent weeks, I've received quite a few calls and letters from angry taxpayers threatening to move out of the city because of the size of the tax package. The effect of the tax raises on average working and middle-class homeowners will be anywhere from \$300 to \$500, even with the Council's reductions. During the holiday season, people are busy with family concerns, but the uninformed will be informed when they open their 1982 tax bills. Not only people on fixed incomes, the elderly, and renters, but everyone is in for a rude awakening.

Though the Mayor and this Council have scratched to make necessary budget cuts, the cuts are not enough. If the city ran effectively on \$187 million last year, total department expenditures should not increase beyond eight percent to keep pace with wage raises and inflation, and keep operating costs under \$202 million.

Yesterday, we were informed of higher revenue estimates in real estate taxes and other revenue sources. And, this will help in the coming year. But, what about the years to come through the mid 80's.

Despite all the administration's economies, the debt service continues to grow annually, as does our unfunded pension liability. Our credit rating has dropped from one of the highest to one of the lowest among major cities. Our population continues to decline and with it our tax base. Not only are we losing roughly \$13 million in taxing capacity annually, but we are also losing our young wage-earners, people in their 20's and 30's. Inflation, shrinking federal aid,

an eroding tax base, all are driving individuals and young families out of the city, and now this tax package is going to drive them out faster.

While we all are aware of the administration's lobbying efforts to expand Pittsburgh's tax base, the results are uncertain. I am currently investigating alternative revenue-raising methods like a service fee on non-profit institutions such as hospitals and colleges. We have to channel our energies into finding ways to finance local government without placing the burden on the average working and middle-class household.

Adlai Stevenson once said, "The time to stop a revolution is at the beginning". We've already lost about 100,000 people a decade over the last two decades. With a tax package the size of the one proposed, we're going to force more young people and families out of the city. In the last few years, taxpayers in other regions of the country have risen up to fight the assault of burdensome taxation. Come January, when Pittsburgh taxpayers begin to feel the bite of the proposed tax increases, the tax revolt will have begun. Taxpayers will be angry with a Council that did not protect their legitimate interests. Whether they leave the city or revolt, we all lose.

(END - MR. GIVENS' PRESS RELEASE - 1982 MESSAGE TO COUNCIL)

Michelle Madoff:

We have not as yet received information on the \$18 million transfer from 1982 to 1983 Budget. I vote yes to re-open the Budget.

Mr. Robinson:

I vote yes and I'd like to have my

comments from last Wednesday and the previous Wednesday brought forward, please.

(BEGINNING - MR. ROBINSON'S REMARKS ON BILL NO. 2681 3/23/83)

Mr. Robinson:

I am voting aye, and I would just like to explain my vote by saying that I sponsored this bill for three reasons. One, I think Council needs to be more involved in the budgetary process all the way through. Two, I think it is essential that this Council know what mechanisms, what procedures are being used to determine our budget surpluses. And, three, I think it is incumbent upon this Council to have adequate information prior to making any budgetary decisions, specifically the decision we made recently concerning the carry-over, which had some implications in terms of the size of our surplus. It is rather obvious that the surplus that was projected to us of \$16 million has grown within the last eight or nine months. It is being projected now as having been \$18 million, it is probably closer to \$20 million; and, we have yet to get the adequate information we need to make sound decisions.

Lastly, I think that if we are serious about dealing with some of the problems in this city, namely unemployment, that we need to find out what kind of financial capacity we have to address that problem on a permanent basis. So, I am going to vote aye.

(END - MR. ROBINSON'S REMARKS ON BILL NO. 2681, 3/23/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff

AYES 3 NOES 5

VOTING NO:

Mr. Givens Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. Stone (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 2687

A Resolution entitled, "Resolution providing for the issuance of a \$1,824.58 warrant in favor of Union Real Estate Company of Pittsburgh, Agents for Stephanie Ann Corporation, et al; owners of Aberdeen Apartments in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Stone
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
 (Pres't)

AYES 8 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2688

A Resolution entitled, "Resolution transferring the sum of two hundred twenty-five thousand dollars (\$225,000.00) from the Unrestricted Cash Account, Department of Housing, Bond Fund, to the Unrestricted Cash Account, Department of Fire, Bond Fund."

Which was read.

Also,

Bill No. 2689

A Resolution entitled, "Resolution amending Resolution No. 28 of 1983 transferring the sum of Thirty-Four Thousand Dollars (\$34,000.00) from Unrestricted Cash Account, Mayor's Office, Bond Fund, to Unrestricted Cash Account, Department of City Planning, Bond Fund, by decreasing the amount transferred."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2691

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Charles J. Karam in the amount of four hundred fifteen dollars (\$415.00). This warrant is necessary to refund the excess collected when his vehicle was auctioned since City Ordinance requires that excess funds received over and above towing and storage be refunded to the owner upon request."

Which was read.

Also,

Bill No. 2701

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mosites Construction Company, in the amount of One Hundred Thirteen Thousand Seven Hundred Seventy Two (\$113,772.00) Dollars in payment for Extra Work furnished for the benefit of the City in connection with the Rehabilitation of the Larimer Avenue Bridge over Washington Boulevard, including work on private property and

other work incidental thereto, and providing for the payment thereof.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2779

Report of the Committee on Public Works for March 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2670

A Resolution entitled, "Resolution granting unto Pittsburgh Blood Plasma Center, their successors and assigns, the right and privilege and license to

construct, maintain and use at their own cost and expense, new concrete exit steps along Marion Street near Watson Street in the 1st Ward City of Pittsburgh."

Which was read.

Also,

Bill No. 2702

A Resolution entitled, "Resolution amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, entitled, 'Adopting and Approving the 1983 Capital Budget and 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by redefining the funding sources."

Which was read.

Also,

Bill No. 2703

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the utilization of existing Contracts, authorizing the resurfacing of various City streets and park roads with bituminous materials, including asphalt milling, planing, regrading, recurbing, and other work incidental thereto; and providing for the payment of costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES - 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2780

Report of the Committee on Planning, Housing and Development for March 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2683

A Resolution entitled, "Resolution amending Resolution No. 443 of 1980 as amended by Resolution 687 of 1980, 590 of 1981 and 29 of 1983, providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Property Management and Maintenance Program; and providing for the payment of the cost thereof, by increasing the cost thereof."

Which was read.

Also,

Bill No. 2684

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to enter into a Grant Agreement with Steve Catranel Construction Company, Inc. for an amount not to exceed Three Thousand Eight Hundred Seventy-Seven and 53/100 (\$3,877.53) Dollars from the Neighborhood Housing Fund for site improvement work in connection with the Bloomfield/Garfield Neighborhood Housing Program in the Tenth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2685

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to enter into a Grant Agreement with Infil Housing Corporation for an amount not to exceed Twelve Thousand (\$12,000) Dollars from the Neighborhood Housing Fund for site development and landscaping work in the Gibson/Green Project, Charles Street Valley in the 26th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2704

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Bloomfield-Garfield Local Development Corporation, to promote and implement the economic and physical redevelopment of the Penn Avenue retail/residential district in the Bloomfield-Garfield neighborhood; to follow through with implementing the activities recommended and approved by the City in the 1980 Bloomfield-Garfield

market study; and to use the Bloomfield-Garfield Local Development Corporation as the coordinating agent for formulating and implementing the renewal plans recommended in the Bloomfield-Garfield market study."

Which was read.

Mr. Givens:

I make a motion to amend Bill No. 2704 by deleting 1982 Community Development Block Grant Program Trust Fund and inserting 1983 Community Development Block Grant Program Trust Fund.

Also, the project which was left blank on the original because when the bill was introduced they did not have one, that will be added Project No. 4-40-05-6000-80-901-83-35.

Mr. Robinson seconded the motion.

Mr. Flaherty:

I have a question in regard to that. One of the amendments was adding the Community Development Block Grant Funds for '83. I don't believe we have received any approval from the Planning Commission yet as to what projects the Planning Commission is supportive of. Have we?

Mr. Givens:

Tom, that money comes in in May of this year. All '82 funds for that have been exhausted, as this Council approved, on Warrington Avenue so that we can get moving on that as quickly as possible because that was holding up the whole rapid transit system from the south.

I don't think there's going to be any gaps in here. If there are, there

might be a thirty day gap where this particular organization would be unfunded. I think their funding runs out sometime right around the middle of April or so. If there's any additional problems on this bill, I think Council can come back and find some additional money.

Mr. Flaherty:

The only reason why I am very cautious of Council acting in this fashion now is that I think it's imperative that Council keep in mind that we must protect the integrity of all applicants, of all projects for Community Development Block Grant Funds and for the ULO funds. It's my understanding that if we approve this application, this will be the first granting, the first approval that this Council has given to any project to utilize the Community Development Block Grant Funds. And I'm very concerned because I think all members of Council are probably partial and have certain applications, certain programs there that perhaps they were the initiator of in this Council. And it just strikes me as coming in through the back door, grabbing a chunk of that money for one program and before the Planning Commission comes forth with the recommendations for all other applications for Community Block Grant Funds.

So, I would just ask to protect the integrity of the process, to show to all communities and all applicants that we are going to weigh all of their proposals in a uniform, judicial manner. I would ask you, Councilman, why you feel it's so imperative that we act first on this application when it's my understanding there are seventy other applications that are still in the pack.

The Chair:

In that respect, Mr. Givens, I think you should delete the '83, because there's no way you can pass this amendment with '83 in there. They haven't defined what '83 is going to be.

Mr. Givens:

Excuse me. We have already appropriated the 1983 CD Budget in our '83 deliberations. Is that not so, Mr. Stone?

Mr. Stone:

I think you're going to have to recommit, Dick, if you want to get this through. You can't pass a bill based on money to come in. You have to have the money there. It says the '83 funds, I just asked, has not come in yet and you can't pass it until the money is there.

So, what I suggest you do is recommit this until the monies come and when the monies are there, then move it back out.

Mr. Givens:

Okay, then on the advice of our finance people back there, I see them motioning their heads in the same thing as Tom has brought up. I was doing this on the guidance of, I thought our finance people, that it could be done in this particular way.

I will caution this group of colleagues that I think their funding is going to run out prior to the time when the normal federal '83 Block Grant monies come in. Most of the programs that you are talking about, Tom, and people that are asking for this money, I can assure you that this program had started in 1980. If you drove by that particular community, you could see

there have been ten new stores added within the last couple of months. They are really moving out like South Side, North Side and some other areas of the City have really moved out.

If we can't find it from Block Grant Fund money, I think I would then ask our Finance Department to go back between now and Wednesday when I'd like to bring this back up on the table again and see if we can get money from some other source.

Mr. Flaherty:

I just want to add some clarifying remarks. I know of the laudible work that the Bloomfield-Garfield Corporation is doing. The only point I was trying to make was that I don't feel that we should put ourselves in the position of giving preferential treatment to anyone when it comes to Community Development Block Grant Funds.

Mr. Givens:

I think Reggie Young so indicated that they are on that commitment and I'm sure they will be and I would hope that they could continue on with their funding because, as all of us know, much of the critical fund-raising, building, reconstruction starts in March and April of every year and we see the end results sometime in May, June, July.

So, I'll look into it and possibly we can come up with some other funding source between now and Wednesday.

Mr. Stone:

Mr. President, I'd just like this record to show, I don't know if it's coming across yet to Mr. Givens. I'm not speaking against this bill. I'm just telling you you can't do what you're doing under the present way you're doing it. I'm

trying to help you by having it recommitted.

Mr. Givens:

Right. I was acting on our own Council's finance advice in amending the bill, so if that is not the legal way to do it then we'll go back and do it the legal way.

Mr. Givens moved to recommit Bill No. 2704.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2781

Report of the Committee on Supplies for March 23, 1983 transmitting two

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2673

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of approximately five (5) tractors for the Department of Parks and Recreation, and for payment thereof."

Which was read.

Also,

Bill No. 2674

A Resolution entitled, "Resolution providing for the letting of a Contract or Contract, or for the use of existing Contracts, for the furnishing and delivery of one (1) Greensmower and Accessories for the Department of Parks and Recreation, and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods

Mrs. Masloff

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 2782

Report of the Committee on Lands and Buildings for March 23, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2665

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services and a Contract or Contracts including the use of existing Contracts for construction in connection with alterations at Special Populations Programs Centers to accommodate the physically handicapped and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2666

A Resolution entitled, "Resolution providing for the filing of a petition for the exoneration of taxes and transfer of properties in accordance with Act 787 of 1937 as amended."

Which was read.

Also,

Bill No. 2667

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorized the sale of property in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2668

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, may I request from the City Clerk that a request go to two sources, one to our legal department, Mr. Pellegrini on Bill 2679; I've just conferred with Mr. Robinson. I want to find out if the language "but not less than their legal capacity," providing they meet with all government laws on Section B, is indeed illegal as stated by Mr. Stone. I spoke to the Parliamentarian; he's not sure, and he thinks we need a legal opinion, and I would like five votes from this Council and have one of our own attorneys review that, because I can't keep paying for private counsel. We do not have a fiscal advisor, so I can get a legal opinion from a private attorney? Do I have five votes for that, Mr. President?

Mr. Givens:

Can you read your motion again?

Michelle Madoff:

The motion is to get clarification on the words "but not less than their legal capacity." In other words I'm just concerned that when we change the language to say they could not have 30 percent, which I agreed with, and changed it to minority controlled financial institutions, but not to exceed their legal capacity, Mr. Flaherty found that language offensive, and I concur with him that the language should be changed. Mr. Robinson tried to changed it to "but not less than their capacity," and Mr. Stone said, as an attorney, that it was illegal. That's Mr. Stone's opinion as an attorney. I'd like to hear another

attorney's opinion, that of our official attorney to the Administration, not to Council, but since Council doesn't have its own attorney, which we're entitled to under the Home Rule Charter, we do have many attorneys available to us at a \$50-an-hour fee, and I think it would take half an hour for somebody to tell us whether that's legal or not, and I would like to get five votes. It used to be that you could go to the President of Council and get permission to hire one of our attorneys, but Mr. Stone made a motion that you couldn't do it without five people, so therefore, I'm asking for five votes.

The Chair:

With the exception, Michelle, I think this is rather clear what you are talking about, and it's in there, and I don't see how any advice from any private attorney is going to change it.

Michelle Madoff:

Well, I just spoke to the Parliamentarian, and he said he didn't know if it was illegal, and I think he said we should get a legal opinion, at least.

The Chair:

Is there a second on the motion?

There being no second, the motion fails.

Michelle Madoff:

Mike, would you make sure that we get one from Dan Pellegrini?

Mr. Stone moved to excuse Mr. O'Malley for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, April 4, 1983

No. 14

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 4, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Malley presents

Bill No. 2818 WHEREAS, the Allegheny County Medical Society Auxiliary was organized in 1923 as a constituent to the State and National

Auxiliaries; and

WHEREAS, they have assisted the Medical Society in its programs for the advancement of medicine and public health; and

WHEREAS, they have aided worthy students in health professions through scholarships, and to raise funds for medical education research and benevolence; and

WHEREAS, in April, 1979, as part of its Community Education Service, the Auxiliary presented its first Health Seminar and Fair for women; and

WHEREAS, this annual seminar has provided Pittsburgh women with an opportunity to hear a distinguished panel of physicians and to ask them questions on topics of current medical interest; and

WHEREAS, the World Health Organization has proclaimed April 7, 1983, as World Health Day.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declare April 7, 1983, World Health Day in Pittsburgh.

Mr. O'Malley moved to adopt the Resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Givens:

I just have one question from the author. How does World Health — What is their position on the birth control issue again, do you know?

Mr. O'Malley:

They deal with all aspects of health matters, and certainly in a lot of third world countries. Birth control is a great deal of concern because of the exploding population in some of these countries.

Mr. Givens:

Okay, then register my vote no for that particular resolution. I appreciate all of the other things that they're doing in the world health, but that one particular aspect of it, I cannot appreciate.

The Chair:

Is there anybody here from the World Health Organization to receive the award? Please come up.

Mr. O'Malley:

Mrs. Davis, would you like to say a few words?

Mrs. Davis:

I'd like to thank City Council for proclaiming the day because World Health Organization would like to make you conscious of your health but we would like the people of Pittsburgh to be conscious of good health. That is why we're presenting this seminar in the City of Pittsburgh and Allegheny County free to the people so that they will become more conscious of good health in the early, middle and later years.

The Chair:

Thank you and congratulations.

Mr. Robinson:

Mr. President and members of Council, it gives me great pleasure to read this resolution to be offered in honor of the Continental Society. There are many worthy groups and organizations in our City who are constantly doing what they can to be of service to others and I think this organization exemplifies the good and decent people of our City particularly as it relates to helping our underprivileged youth and certainly the Continental Society has been in the forefront of that effort.

Mr. Robinson presents

Bill No. 2819 WHEREAS, on Saturday, April 9, 1983, the Pittsburgh Chapter of the Continental Society Incorporated will host the organization's Regional Conference; and

WHEREAS, the Continental's headquartered in Washington, D.C. have assisted disadvantaged and underprivileged youth through out the United States; and

WHEREAS, since October of 1974, when the Continental's were organized in Pittsburgh by Mrs. Catherine R. Green, they have made outstanding contributions to our City.

NOW THEREFORE,

BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh on behalf of it's citizen, does honor the Continental Society Incorporated and wish them well on the occasion of their Regional Conference to be held in our City; and, offers the resources of the

City of Pittsburgh to aid in their quest for a better life for our youth.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, if I might. There are some representatives here from the Continental Society and with your permission and the indulgence of Council, I'd like to have them come forward. Mrs. Catherine Green, who was the organizer of the Pittsburgh Chapter, Meridith R. Reynolds, Mrs. Ruby Buchanan, who is the President of the local chapter, Juniata A. Taylor, the historian, Susie Boon, who is the Vice-President, and two of their friends, Augusta Turner and Mabel Thompson. If they would come forward and have a few words.

Mrs. Catherine Green:

On behalf of the Pittsburgh Chapter of Continentals, I would like to say we are so wonderfully happy that you could find it in your heart to give us this wonderful - I have been calling it proclamation but it's not proclamation so if I am calling it by the wrong name would tell me again what you said it was, resolution -

Michelle Madoff:

Proclamation is fine.

Mrs. Green:

We are so grateful that you did this for us. You have given us something to think about and we shall be eternally grateful for what you have done to help

the Pittsburgh Chapter of Continentals. I thank you again.

The Chair:

Congratulations, ladies.

Mr. Flaherty presented

No. 2784 Resolution amending Item C of Resolution No. 128, approved March 3, 1983 for the sale of vacant land in the 3rd Ward on Bedford Avenue, designated as Block and Lot 9-M-245 and 9-S-38 to Charles A. Garfagno and Raymond Hawkins. Amendment is to correct dimensions of 1 lot.

Also,

No. 2785 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2786 Resolution amending Section No. 2 of Resolution No. 1226, approved November 22, 1982, effective dated December 3, 1982, entitled, "Vacation of a portion of Calvin Street and Garden Way in the 9th Ward, City of Pittsburgh", by extending the time of payment from 60 days to 180 days.

Also,

No. 2787 Providing for an Agreement or Agreements with Frank Moolin and Associates for Engineering Services in connection with the In-Depth Inspection of the North Avenue and Brighton Road Bridge; and providing for the payment of the cost thereof. Funds are available in Code Account PW 83-07,

4-01-05-0001-83, In-Depth Inspection by Contract. Cost not to exceed \$19,900.00, payable from Code Account No. PW 83-07, In-Depth Inspection by Contract.

Also,

No. 2788 Resolution providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the In-Depth Inspection of the S. 12th Street Bridge; and providing for the payment of the cost thereof. Funds are available in Code Account PW 83-07, 4-01-05-0001-83, In-Depth Inspection by Contract. Cost not to exceed \$18,700.00.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2789-A Resolution setting the wages for the members of Pittsburgh's Personnel Appeals Board at one hundred (\$100.00) dollars per diem beginning January 1, 1984.

Which was read and referred to the Committee on Finance.

Mr. Stone:

Mr. President, I question whether that can be presented because that's a budgetary item. The salary has already been set at budget time.

Michelle Madoff:

You weren't listening, Mr. Stone. It said 1984.

The Chair:

I would think it's entirely out of order myself. It is a budgetary item.

Michelle Madoff:

May I respond, Mr. President. I wouldn't want to be out of order. May I respond?

The Chair:

Just respond, Michelle.

Michelle Madoff:

May I respond, Mr. President?

The Chair:

Certainly you may respond.

Michelle Madoff:

Thank you, Mr. President.

I spoke to Mike Perry who informed me that it was a budgetary matter and could not be addressed in '83. We cannot change the budget, but we can introduce it for '84. And what I'm saying is that if we're paying \$8,000 a year in salary for somebody doing two day's work, there's only two complaints. We ought to change the figure to a per diem. We are not dealing with an attorney here, we're dealing with somebody who volunteers as a good neighbor and a good citizen. \$100 a day will not make any difference in their overall income and \$100 a day per diem should be more than adequate. I realize we cannot change it to '84, but every time I introduce anything, as other Councilmembers here will attest, around budget time nothing happens. So I'm doing it early enough in the year so that when budget time comes, it will be a point that we've already addressed. We can change it for the '84 budget.

The Chair:

To that extent, Michelle, we then

can do that we every budgetary item and therefore we'll be dealing with the budget now instead of at budget time. That's why I said it's completely out of order and at budget time we'll take it up.

Michelle Madoff:

It is not out of order, Sir, because the public is saying why are we dealing with the budget right after election in November under great pressure. One year it was the world champions. We didn't get to deal with things like Warner for two weeks before we had to vote. We should be dealing with budgetary matters the day after the beginning of the year. We should start dealing in budgetary matters now, not in November. I think there isn't one person out in the public that would disagree with that. Therefore, I am making that recommendation now. Any other member of this Council can make any other budgetary recommendations for '84.

Mr. Stone:

Mr. President, I called the point of order on it. Is the Chair ruling?

The Chair:

The Chair rules it's out of order.

Michelle Madoff:

Mr. President, how do I get a legal ruling as to whether it's out of order? Can I have five votes of this Council to hire an attorney to check it?

Mr. Stone:

The Chair has ruled.

Michelle Madoff:

I'm sorry. If the Chair were to

rule, everybody would be at the back of the bus.

Mr. Robinson:

You can make a motion to have the ruling of the Chair overruled.

Michelle Madoff moved to overrule the Chair.

Mr. Flaherty seconded the motion.

Mr. Givens:

Mr. President, I think the Parliamentarian should rule on this. That's why we have such a parliamentarian.

Michelle Madoff:

What procedure do I have to take to overrule the Chair?

Mr. Woods:

Point of order, Mr. Chairman. You've already ruled, she moved and it's been seconded. Could we please take the vote?

Michelle Madoff:

"She" is called Michelle Madoff, Mr. Woods.

Mr. Woods:

She already moved, could we please take the vote?

Michelle Madoff:

"She" is called Michelle Madoff. I resent being called she.

The Chair:

Roll call vote.

Point of order. It's parliamentary procedure that we're talking about whether or not the bill itself can be introduced. Before we have this vote, I would like the Parliamentarian to address the question of whether or not this particular resolution can, in fact, be introduced. If it cannot be, then the Chair has no need to be challenged.

Mr. Woods:

Point of order, Mr. Chairman. You have ruled. The Parliamentarian is out of it right now. You have ruled. Can we please continue with the vote?

The Chair:

Point of order is taken. Move on.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff

AYES 3 NOES 6

VOTING NO:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the

motion was defeated.

Mr. Givens:

Mr. Chief Clerk, I would like a note to the Parliamentarian as to whether or not this resolution was one that could be or should be submitted to this Council. I think this is the first time since I've been here in eight years that something has come about that we cannot discuss it before. I see no restriction on someone putting something in on the budget so it can be discussed at a previous time. It's a motion before us and I would like that opportunity to debate that issue before a particular November or December time frame.

So, I would then ask that that letter go down and see any items that might come before this Council, that we have an opportunity to debate them or, in fact, do they have to wait, as our Finance Chairman, said until the financial discussions on the next year's budget.

The Chair:

Thank you.

Also,

No. 2789 Petition from the owners and operators of Auto Glass establishments, situated in the north, south and eastern areas of the City of Pittsburgh, requesting the enactment of legislation to regulate, license and tax the on-street installation of Auto Glass within the City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Michelle Madoff:

That was to be a public hearing, I believe. They were to have 25

signatures.

Mr. Perry:

They're requesting a hearing.

Michelle Madoff:

Okay, but I'm just introducing it as a public hearing. I do not know enough about that issue to say I want it taxed or not taxed.

Also,

No. 2790 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment for a delivery of sand in the amount of \$507.73, payable from Code Account No. 1714, Materials.

Also,

No. 2791 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make repairs to three metallic locators utilized in the Department of Water, at a cost not to exceed \$700.00, payable from Code Account No. 1705, Repairs.

Which were read and referred to the Committee on Water.

Also,

No. 2792 An Ordinance amending the Pittsburgh Code, Title Seven - Business Licensing, Article VII - Service Businesses, Chapter 763, Parking Lots, by adding additional safety requirements for the licensing and operation of open and enclosed parking lots.

Which was read and referred to the Committee on Public Safety.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mrs. Masloff presented

No. 2793 Communication from Wendy S. Bell, Deputy Director, Department of Parks and Recreation, requesting permission for Mark A. Miller, Pool Coordinator in the Bureau of Maintenance of the Department of Parks and Recreation, to attend an Aquatic Management Program at Rutgers University on April 15-16, 1983, at a cost not to exceed \$250.00, payable from C.A. No. 1801, Misc. Services, Department of Parks and Recreation.

Also,

No. 2794 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting permission for herself, Wendy S. Bell, Howard Hays, Lindsay Clack, Todd Meyer, Keith Romanowski, Thomas Walsh, Marie Crock, Robert Wagner, William Allen, Jean Burak, Peter Shepis, Teresa Kichinko, Carol Glick, Florence Spurier, Robert Bates, Regina Grebb and Randolph Goodlett to attend the Northeastern Regional Conference of the American Association of Zoological Parks and Aquariums at the Greentree Holiday Inn on April 24, 25 and 26, 1983, at a cost not to exceed \$820.00, payable from C.A. No. 1852, Misc. Services, C.A. No. 1801, Misc. Services and Aviary Trust Fund.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2795 Resolution transferring to the Emergency Medical Services Communications Project Trust Fund the aggregate sum of \$175,375.00 from the following accounts: CA 1423, EMNEAS, EMSEP, EMSTPP, within the Department of EMS.

Which was read and referred to the Committee on Finance.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2796 Resolution providing for the letting of a contract or contracts, or for the use of existing contracts, for the furnishing, delivery and installation of Frequency Modulated Radio Equipment for the Department of Emergency Medical Services and for payment not to exceed \$200,000.00.

Which was read and referred to the Committee on Supplies.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2797 Resolution providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of costs not to exceed \$225,000.00. (\$225,000 from FD 83-01, 4-27-10-0005-83) Including Site Restoration and Boarding and Party Walls.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2798 Resolution approving a Conditional Use under Section 993.01(a)A(14) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Wendy's of Greater Pittsburgh, Inc., to enlarge the existing parking area for their restaurant located at 5418 Baum Boulevard, 8th Ward.

Also,

No. 2799 Resolution approving a Conditional Use under Section 993.01(a)A10 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, for use of 2012 Centre Avenue by House of the Crossroads, as an institutional facility, 5th Ward.

Also,

No. 2800 Resolution providing for the filing of an application by the City of Pittsburgh with HUD for a grant in connection with the Lawrence Paint Building UDAG Project.

Also,

No. 2801 Resolution approving the sale of Parcel 3 (1400 Nixon Street) in the 21st Ward of the City of Pittsburgh by and between URA and Manchester Citizens Corporation for \$20,000.00 - Redevelopment Area No.

27.

Also,

No. 2802 Resolution approving the sale of Parcel 92A (1408 Rush) in the 21st Ward of the City of Pittsburgh by and between URA and James Layne, Jr. and Frances J. Layne for \$1,000.00 - Redevelopment Area No. 27.

Also,

No. 2803 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward - Redevelopment Area No. 27.

Also,

No. 2804 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh - Property Management and Maintenance Program and Residential Land Reserve Fund. Sale of properties in the 15th Ward, 18th Ward, 10th Ward, 12th Ward, 13th Ward of the City of Pittsburgh for \$1.00 per lot as per the Property Management and Maintenance Program.

Also,

No. 2805 Resolution authorizing the URA of Pittsburgh to acquire the property owned by the Housing Authority of the City of Pittsburgh in the 26th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lots: 45-M-62, 45-H-257 and 45-H-259. For a sum not to exceed \$20,000.00.

Also,

No. 2806 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting permission

for Reggie Young to attend the Annual Spring Conference of the National Community Development Association in Washington, D.C. on May 11-13, 1983, at a cost not to exceed \$700.00, payable from Community Development Block Grant Program, Department of City Planning-Administration, Code CDPA.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2807 Resolution providing for an Agreement or Agreements with the County of Allegheny and the Private Industry Council for Pittsburgh and Allegheny County to enable Allegheny County and the City of Pittsburgh to share the joint costs of the establishment and operation of the Private Industry Council for Pittsburgh and Allegheny County and the Private Sector Initiative Program and providing for the payment of the costs not to exceed \$4,025.00, payable from CETA Title VII, Trust Fund, federal funds.

Also,

No. 2808 Communication from Melanie J. Smith, Director, Department of Personnel, requesting permission for Terry Woodcock to attend the National Conference on the Dislocated Worker at the Pittsburgh Hilton on April 4-6, 1983, at a cost not to exceed \$185.00, payable from CETA Trust Fund, federal funds.

Which were read and referred to the Committee on Finance.

Mr. Woods presented

No. 2809 Communication from George Jacoby, Director, Department of Supplies, requesting permission for Rory Melnick to attend New Hampshire

College's two day course on Increasing Public Purchasing Effectiveness in Baltimore, Maryland on April 11 and 12, 1983, at a cost not to exceed \$900.00, payable from Code Account No. 1128, Misc. Services, Department of Supplies.

Which was read and referred to the Committee on Supplies.

The Chair presented

No. 2810 Petition from the concerned citizens of the City of Pittsburgh, requesting a public hearing to discuss the lack of public safety measures taken by the City of Pittsburgh on Saw Mill Run Boulevard, dealing specifically with the rock slide accident on February 16, 1983.

Which was read and referred to the Committee on Public Works.

Mr. Givens:

I have been requesting and asking for a report from the Department of Public Works and also from the Mayor's Office in regard to this. Mike, on behalf of Council and the President of the City of Pittsburgh, I ask that this report be submitted to this Council on the minutes of their last meetings. These people are concerned. We're getting into the flood-stage time of the year right now. They want to know what action is being taken to correct a situation that's been existing for a long, long period of time, some twenty-five to thirty years.

I'd like that request to go out today and to answer it as soon as possible. I think what I'm trying to say, Mr. President, is that we need to sit down in an almost emergency session to review what is happening out there before we do have some catastrophies. And if not anything, to have a health situation problem that would be worse

than anything that this City has ever seen.

UNFINISHED BUSINESS

The Chair presents

Bill No. 2811 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Council Bill No. 2250, entitled, "Authorizing a professional study of the Pittsburgh Department of Police, and transferring the sum of \$50,000.00 from C.A. No. 10, to C.A. No. 1048, Department of City Controller.

Which was read, received and filed.

(LETTER FROM THE MAYOR - 3/31/83)

March 31, 1983

The Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

I am returning herewith, as vetoed, Council Bill 2250 authorizing a professional study of the Pittsburgh Department of Police.

My objections to Council Bill 2250 are that the scope of the study is such that \$50,000.00 will not provide the desired information and that the present expertise within the Pittsburgh Police Department would surpass any expertise contracted for \$50,000.00; also to obtain an in-depth study of the Pittsburgh Police Department would cost perhaps four times the amount of the proposed appropriation and even then, you could not guarantee results that would be acceptable.

If the objectives of the proponents

of the study are to find the optimum number of police for the City of Pittsburgh, it is very unlikely that any study would recommend a "magic" number. The direction that most current studies are moving to is pro-active. That is, to find how you can obtain the most efficient use of your present resources. We initiated this evaluation and we will continue to re-evaluate the deployment of our current manpower.

The basic premise of Council Bill 2250 seems to be in the number of police officers needed. As Mayor, I do not believe we should entrust to an outside consultant the responsibility of determining the size of our Police Department.

For the above reasons, I return Council Bill 2250 of 1983 as vetoed.

Very truly yours,

RICHARD S. CALIGUIRI

/aml

(END OF MAYOR'S LETTER - 3/31/83)

Mr. O'Malley moved to override the Mayor's veto.

Michelle Madoff seconded the motion.

Michelle Madoff:

Discussion. Mr. President, there is presently one million six hundred thousand dollars sitting in the 1983 budget for police. We will have one class put on, we will lose many police by attrition, we are down below minimum security. As Councilman Stone, our Fiscal Officer, pointedly and many times said, "If we're going to have a safe City and have the Civic Arena functioning, we better have enough police."

This Council has for years argued with the Administration about the fact that we have said we should have 1,500 police. He said 1,400. We put the money in three years running for 1,400 police. Since the Mayor wouldn't fill those jobs, we went to 1,340. Those jobs have still not been filled. We are, I think, at a crucial state with police in the City. I don't know how we resolve this bottleneck unless we have some kind of study that may convince the Mayor that he better hire those people or institute a lawsuit against the Administration to put the police on. Maybe that's what the \$50,000 ought to be used for. But somehow or other, we must get more police in the City.

Mr. O'Malley:

I'd just like to make a few comments on the Mayor's veto. He states two facts: one, that \$50,000 will not provide an adequate study, and I have a tendency to agree with him there but I think it's certainly a step in the right direction. He also addresses the magic number of police officers and I think that's one reason that this Council requested the study as to clarifying in our minds one, if we have a proper number of police officers and two, that if our police officers are disbursed properly. I know as Chairman of Public Safety, when I've talked to other Chiefs of Police in other towns, a lot of the major towns seem to be going back to beat officers. To have a dialogue between the Police Department and the community again, I think, is very important. I'd like to have the study touch on that and also our radio cars. I think it's just as important that we have an adequate number of officers in our detective branch and our narcotic branches.

It seems to me that the more resistance that we get from the Police

Department and the more resistance we get from the Administration about this study sort of clarifies in my mind how important this study may be to us.

So, I'd urge my colleagues to vote to override the Mayor's veto.

Mr. Flaherty:

Mr. President, I am supporting the veto of the supposed study of the Police Department and my reasons are, to reiterate, Superintendent Coll, in my opinion, implied to Council that he was not going to be that concerned with the results of the study. He also in his professional opinion said that he felt that Council was not appropriating an adequate amount to have a sufficient study. I find it somewhat amusing. I know that some members of Council keep adding ornaments to this Christmas tree. For example, they want this looked into and they want to check into this intricacy of police work, and it goes on and on. All this study is going to be is, at the most, a very general simplistic study. I think we have to be candid with the public. I doubt if any statistics are going to sway the office or going to bring resolve between this Council and the Mayor's Office as to what the magic number of police officers is. This is strictly a question of politics that has to be worked out in a political fashion between Council and the Mayor's Office.

Finally, everyone seems to presume that this study is going to show that the City is woefully inadequate with the number of police officers we are utilizing now. For all we know, this study may come back and shut this Council up as far as their protestations as far as the inadequacies of the Police Department. Perhaps the study will come back, and I think that would be great irony if the study were to come back and say that we do have a sufficient

force.

The bottom line is, regardless of what this study says, I think it isn't going to mean one iota to the Mayor, to Superintendent Coll and it isn't going to mean a whole lot to this member of Council, I'll tell you that much, and I think the whole issue has just been a masquerade trying to sell the public on the idea that we on Council are doing something for their safety where, on the other hand, I believe that the study is just a waste of the taxpayers dollars.

Mr. Stone:

Mr. President, if I may. Relative to this particular bill, I do not at all consider it a waste of time for the Mayor and this City Council to discuss the matter of police manpower every year. It's public safety. It's the safety of the constituents within the jurisdiction of the City of Pittsburgh and they should be under constant review from us to find out where we're going.

Any study, even if it be somewhat inadequate as seems to be indicated by the amount of money, is an assist in accomplishing that particular goal. I've maintained for some years that as far as I personally am concerned, I think the City of Pittsburgh needs more police power. It is my full contention, and I've said it many, many times, and even at the expense of being redundant let me repeat it, I believe the City of Pittsburgh ought to have the extra police, even if it costs \$2 million, so that we can keep safe that \$100 million of convention business that comes into this City every year. We can ill afford to have a slippage in that kind of impression of a City since people, when they're booking, hotels and conventions are always thinking in five to seven year cycles and if you have a problem, you're now losing five to seven years. Can we afford

that? I say we cannot.

This study is not going to be an answer to everything. It's just another aid in an effort to keep us all on our toes, the Mayor and this Council, as to whether we do or do not need more police. I think we need them but, nevertheless, I'm willing to listen to someone else who might give us another assist in doing what should be done in a rational, reasonable, and as I see it, a current review and that's every year. I'm going to vote for it.

The Chair:

Roll call vote.

Mr. Givens:

Mr. President, as I've indicated when we had debates on this many weeks ago, this \$50,000 is just a drop in the bucket and the Mayor and his veto to this Council so indicates likewise that it will cost probably four times that particular amount.

Being a criminologist and trying to keep present with my particular studies that I have, there is hardly a police department consultant group that will come in and tell any police department how many police they'll need. They'll tell you where your weaknesses are primarily and, very generally, they'll even discuss where your strengths are located. How can one obtain the most effective use of your present resources and that is that we have the expertise within our own police department to do that. The basic premise of this bill, 2250, seems to be in the number of police officers needed and I think Mr. Flaherty so indicated that it's a very political issue and it is because in the past four years, I have voted no on the budget of the City of Pittsburgh because I felt politically, intelligently,

efficiently and every otherwise that we did not have the adequate number of police officers to support the types of crimes that were happening within the City and the number of responses, some 260,000, 270,000 service calls.

It's the responsibility of this Council to appropriate and provide for the number of police officers that we want. I think this Council has done that in some cases. However, two or three years ago, —

The Chair:

Mr. Givens, we're getting completely away from the veto.

Mr. Givens:

Mr. President, I'm finished almost.

The Chair:

You're also discussing a budgetary item.

Mr. Givens:

I'm at my last and it seems every time I want to say something you interrupt.

The Chair:

But you get off the subject.

Mr. Givens:

I am explaining my vote. I think that's under the right of Robert's Rules of Order which govern this body right here. I would have been finished right now had you not interrupted me and I would appreciate it in the future, if some people can talk forty-five minutes to an hour on one particular subject, one particular bill, please give me the privilege of speaking until I'm finished.

If I am top long then please interrupt me.

As I indicated, it was a vote and I want that to be loud and I want that to be clear to both everyone in this room and everyone who wants to listen. I voted the way I did in the year 1980, 1981 and 1982. In 1983, I did not because it was promised, as Michelle and others so indicated, that there were eighty new police officers that will be hired. There's supposed to be forty of them on board by the end of this June. Hopefully, the forty additional will be aboard. If not, then I think this Council will have some great deliberations in the early part of the fall of this year as to what will happen to the future of the Police Department of the City of Pittsburgh.

The Chair:

Mr. Givens, I wish I had a crystal ball and therefore I could vote better on the subject myself. I don't know anywhere where someone said that they're only going to look in the matter whether we need more police or not. I thought it was going to be an overall complete study but apparently it got sidetracked with the guise of how many police we have or how many we don't have.

Michelle Madoff:

I'm a little confused.

The Chair:

Aye to override the veto, no to sustain it.

Mr. Givens:

I vote to override the veto because for four year I voted for more police officers. Now in the year 1983, everyone agreed we will get eighty additional police officers and we'll lose

forty some, that's increasing the force. For that reason, I think, and the Mayor did not veto that budget, for that reason I feel, and I assume that he is going to go along with that budget, and as a result, I vote to override the veto. I don't want the study.

The Chair:

From what you said, Mr. Givens, I believe you want the study.

Mr. Givens:

My words weren't to that effect. I was explaining my vote from the past years. My vote as far as the Mayor's veto is to sustain his veto. I vote no.

Michelle Madoff:

Mr. President, while I concur with many of the statements that were made by Councilman Flaherty, who I believe will do a great study when he gets there, I would like to point out that we built a pool in Schenley Park that cost us ten times what we started out to spend and if the study needs more money the money will be available. I think it's a step in the right direction and I vote aye to override the Mayor's veto.

Mrs. Masloff:

For seven years that I've been here we've been trying to get more police. I don't think that this study will make the Mayor give us more so I vote no.

Mr. Robinson:

I vote aye and I'd like to have my comments from last Wednesday included in the record, please.

(BEGINNING - MR. ROBINSON'S
REMARKS ON BILL NO. 2250 -
WEDNESDAY, 3/16/83)

Mr. Robinson:

Mr. Chairman, the Controller has indicated to me that this bill should be amended to make provisions to have the \$50,000 transferred from Code Account 10 into Code Account 1048 in the Controller's Office. I just wanted to share that with the Chair, I didn't know if our Finance Chairman was aware of the Controller's concern. I was going to make a motion to amend the bill to accommodate that.

First of all, I would like to ask the Chair to admonish Councilman Flaherty for the personal remarks that he suggested in reference to the bill. I think Council's rules very specifically indicate that we should not make personal remarks or personal suggestions. I will be more than happy to cite that section of the rules.

The Chair:

He got a little close, but I don't think he's any worse than we've had before, and our ears aren't that—

Mr. Flaherty:

If it makes Councilman Robinson happy, I apologize, Bill.

Mr. Robinson:

Thank you. If I may continue, I think that Councilman Flaherty certainly raises some valid points in reference to the study. But, I think that this Council should be reacquainted with several facts. I don't want to belabor the point.

For the last five years we certainly have tussled with the issue of

whether or not we have adequate police in this city and whether or not they are deployed properly. I suggested to this Council that we do a study. At that time there was no serious opposition, not even from Councilman Flaherty or from Councilman O'Malley, who is Chairperson of Public Safety. In fact, Councilman O'Malley agreed there should be some study. So Bill 2250 certainly was introduced in that spirit.

It was my understanding that this Council was not in any serious objection to try and do some study of the Police Department to at least determine if we had adequate police personnel. That is still the intent of the legislation to at least do that.

Another fact is the issue of Superintendent Coll. I am very sorry that Mr. Flaherty raised that issue, but I would be less than candid and honest if I didn't say that Superintendent Coll made no attempt to have any input into this process until this bill was brought before this Council and Councilman—I believe O'Malley or Flaherty asked him to come to the table to share with us his expertise.

At that time, I think it was rather obvious that the superintendent was not qualified to give us information on the cost of a comprehensive study or whether or not there were experts who could give us a study. He certainly shared with us his personal opinion, and I certainly respect that opinion. I mentioned that at that time he had been unavailable to consult with this Council on this issue, but I was very glad that he was here at that time.

I don't think that anyone should be led to believe that Superintendent Coll has shared with this Council his full concerns in this regard, and has shared them in such a fashion that he

appreciates what our interest is. And, I say what our interest is, based on how we have voted, because we voted for the study, except for Councilman Flaherty who has been very, very adamant, and certainly he has a right to be that way.

As far as the cost is concerned, I don't think there is anyone here who would deny that we could get a police study for more than \$50,000 or less than \$50,000. I think the record is rather clear that we agreed that \$50,000 was a figure we could come to some sort of understanding on, but that we would not be limited, that we could indeed request additional funds if we felt they were necessary. One of the reasons I believe that Mr. Johnson, the Assistant City Controller, suggested the establishment of a committee was so that concerned people on this Council and in the administration, and in the Police Department could begin to identify the scope of work, and if \$50,000 was not adequate we would come back and ask for more.

As far as the impact of this study, I take issue with Mr. Flaherty's concern that the superintendent doesn't feel this will have any impact. I don't think the superintendent has been asked by this Council or by the administration, his official position on the police study. I don't think we should take anything that Superintendent Coll said out of the goodness of his heart when he just happened to be in Council session and Councilman Flaherty just happened to ask him to come to the table, as representing Superintendent Coll's position. I suspect what he said represented what Bob Coll thinks, and I respect that.

I think that certainly Councilman Flaherty is correct that the political decision is going to be made as to how many police we have and where they will

be deployed. I would hope that the Mayor would at least read the study, he will at least have the study. And, if he so chooses to use the study, then God bless him. But not to do the study, and to continue to haggle over this issue, does not serve any purpose, other than a political purpose. All of us are smart enough to know that everyone out there wants more police. We can go out and say give them more police, without basing it on facts. I think we ought to at least get some facts.

One other concern, if I might, about the Controller's Office. Taking into consideration Councilman Flaherty's anxiety about the Controller's Office, I would just like to indicate—

The Chair:

You will remind him there is an obstacle in front.

Mr. Robinson:

Two, at least.

I would just like to remind Councilman Flaherty that I did introduce a bill into Council on Monday to re-open the budget. One of my purposes in doing that was so that we could seriously discuss the needs of the Controller's Office. Mr. McGrady, our Controller, has indicated on several occasions that he needs more staff. He prepared for us a document indicating that with roughly \$700,000 he could hire 33 additional auditors.

If indeed we could re-open the budget—

The Chair:

Why don't you bring this to a close and we'll let you go. We are on Bill 2250.

Mr. Robinson:

I am bringing it to a close. We could re-open the budget, find him the \$700,000, and, Councilman Flaherty, I would be more than happy to at that time withdraw Bill 2250. I would hope you would join me in re-opening the budget and getting 33 additional auditors for the Controller's Office.

Mr. Flaherty:

I'll buy that.

The Chair:

The Chair has a question. In spite of everything that was said so far on Bill 2250, on the point or off the point, I assume the intent is to get a fair and impartial result.

Mr. Robinson:

Yes, sir.

(END - MR. ROBINSON'S REMARKS ON BILL NO. 2250 - 3/16/83)

Mr. Woods:

I vote aye for the simple reason that I want to know how many police we need. I just don't want to take the Mayor's word for it.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff
Mr. O'Malley
Mr. Robinson

Mr. Stone
Mr. Woods

AYES 5

NOES 4

(MR. FLAHERTY, MR. GIVENS, MRS. MASLOFF, AND MR. DEPASOUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Woods:

Mr. Chairman, if I may, and this is probably improper, there was a statement made by my colleague, Mr. Givens, that the promise was made to put on eighty police this year. That's not true. It's a misunderstanding on his part. The Mayor had promised to put on one class this year. We budgeted enough for two classes but the Mayor has only promised one class and I think for the people listening in it should be on the record.

Michelle Madoff:

Would you clarify that, Mr. Woods, please? You said the Mayor has only budgeted one class?

Mr. Woods:

The Mayor has only promised to put on one class. This Council has budgeted to put on two but the day he appeared before Council he promised one class and one class only. He never said anything about two. This Council said something about two.

Mr. Givens:

I stand corrected on that. You're right. If the Mayor would have done that then he should have vetoed the part

where we wanted the additional forty people. Had he not, then he would be in violation of that part of the budget which in fact would be the whole budget and maybe Bill Robinson will have his desires to open up this budget sometime during the year.

Michelle Madoff:

Mr. President —

The Chair:

The matter is closed, Michelle.

Michelle Madoff:

Excuse me, Mr. Woods was out of order. I would like the same privilege of being out of order

The Chair:

The matter is closed, Michelle.

Michelle Madoff:

You allowed Mr. Woods to be out of order. I think I should be given the same respect and courtesy.

The Chair:

He made a point of order and he was answered by Mr. Givens.

Michelle Madoff:

Why can't I answer? Do you discriminate against women?

The Chair:

Move on, Mr. Perry.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2812

Report of the Committee on Finance for March 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2705

A Resolution entitled, "Resolution transferring the amount of Sixty Thousand (\$60,000.00) Dollars from Code Account 1612, Materials to Code Account 1610, Miscellaneous Services, both accounts within the Bureau of Operations, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2712

A Resolution entitled, "Resolution providing for the issuance of the following warrants: Omslaer Wrecking Co. in the amount of \$5,760.00 for demolition and removal of 7041-47 Fielding Way, Contract #25951-F and in the amount of \$3,970.00 for demolition and removal of 1620-26 Brodhead Street, Contract #25594-F and Solomon-Tesovich Inc. in the amount of \$3,000.00 for demolition and removal of 574-76 Brushton Avenue, Contract #25602-F, without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2715

A Resolution entitled, "Resolution authorizing the selection and employment of legal counsel for Pittsburgh City Council."

Which was read.

The Chair:

On the negative recommendation, to approve vote aye and to vote negatively, vote nay.

Mr. Flaherty:

I vote aye because I'm of an extremely strong opinion that the major issues of contention in Council stem over the issues of law. Consistently, it seems that Council comes out on the short end of the arguments because Council consistently puts great faith into the opinion, and that's all it is, the opinion of the City Solicitor. It's important to keep in mind that the City Solicitor serves at the pleasure of the Mayor. I think it's foolhardy to try to say that the City Solicitor is the attorney for all of the City. I think primarily and foremost the Solicitor is the counsel, the attorney for the Mayor and for the Mayor's Administration.

I think if this Council, and I realize that we are under a City Charter which spells out a strong Mayor, weak Council form of representation, I believe that still it's important that whenever Council has an opportunity to enhance its powers and to grow in stature, I think that it should seriously consider moving in that direction. I'm not aware of any abuse that could stem from Council having its own attorney. I think it would only further strengthen our traditional system of checks and balances. I think we are all aware that Congress, our State Senate, our State House, virtually all the legislative bodies in the country have their own counsel. I believe that it

is an elementary need and one that this Council, if they're concerned about being truly a body of the people, a body which should have the materials and the expertise to represent the people, then I think they should be supportive of their own counsel.

Mr. Givens:

I vote no for the bill and I'd like to explain the fact that our own Council has a code account set aside for any Councilmember to go out and hire any attorney or any law firm to help them in writing ordinances or codes or in evaluating those decisions that come down from the Administration, in fact, if the simple majority of the Councilmembers disagree with those particular decisions. And I would like my remarks from last Wednesday to be brought forward.

(BEGINNING - MR. GIVENS REMARKS ON BILL NO. 2715 - 3/30/83)

Mr. Givens:

Being I came in late, Mr. Chairman, I have looked into this, and any legislation that I have sponsored personally myself that I felt needed legal attention, and I will give an example. The last one that I sponsored is that on the plant closing. I asked that to go to the Legal Department for an opinion, knowing that there are some possible legal ramifications on that. When it comes back, that is the purpose, then, to modify, to amend the legislation.

There is a fund within Council that all of us can use. It is not substantial, but however, if that wants to be increased, that the wishes or the desire of Council to so do that; so, because of that, and not wanting to add any additional burden on the taxpayers, I vote no on this 2715.

(END - MR. GIVENS' REMARKS ON BILL 2715 - 3/30/83)

Mr. O'Malley:

I vote aye and I'd just like to explain that I think it's important for this Council to have their own legal advice if we're going to maintain an independent body in the Administration. I agree with one of my colleagues that if there is any conflict of opinion between this Council and the Administration, it puts the members of this Council at a distinct disadvantage. I say it's important to have our legal counsel on board. I vote aye.

Mr. Robinson:

I vote aye and I'd like to explain my vote. I think this bill will help the Solicitor with his growing burden and that growing burden is that the Solicitor has been put in the position of a combatant and what is often times characterized as some sort of war or conflict between the Administration and this Council. And I'm sure both the Administration and this Council have the same purpose in mind as we often differ on issues and that purpose is to serve the people of the City of Pittsburgh to the best of our ability. The Solicitor by law is required to assist both of us in our pursuits and it is unfortunate that on many occasions his opinions are used as fears in our on-going war.

Also, I think that the nature, the complex nature, of many of the issues that come before Council indicate that we should have some on-going legal advice so that we might be better prepared in terms of grafting legislation and addressing some of these issues. Certainly over the last four or five years we've had some major issues come before us that have had legal ramifications where some members of this Council and

sometimes this total body have disagreed with the Administration's position and the Solicitor has been of little or no value to us in that regard. That's not a reflection on the Solicitor, that's a reflection on the system.

The Charter does provide for us to have legal counsel and I think those people who struggled hard to put together the Charter understood the necessity for the legislative branch of government to have legal advice. Our primary responsibility is to draft legislation. And I think it does not make good sense for us not to have full-time legal advice.

Finally, I think that Mr. Flaherty's comments on the future growth of this Council and our responsibilities is very timely. I think if we are going to accept our expanding responsibilities, it is going to be necessary for us to draw upon all the resources that we have and the Charter does provide for us to have full-time legal advice, not to represent us in a court of law because that's the Solicitor's job, but to help us in our daily work as legislators. And I think that this bill moves in a positive direction to strengthen to responsible role of Council and to also unburden the City Solicitor. I vote aye.

(BEGINNING - MR. ROBINSON'S
REMARKS ON BILL NO. 2715 - 3/30/83)

Mr. Robinson:

I am voting aye, and I would like to explain my vote. I think that, given the serious nature of the vast majority of issues that we discuss here at this table and on Mondays, that assistance of legal counsel would be most helpful, not only in attempting to draft legislation, but handling those legal problems that come up from time to time. I think it is rather obvious that our Solicitor, under the

present circumstances, is not going to be able to adequately serve both Council and the Administration, and that getting adequate and competent legal assistance certainly is something that we need. We do not now have anyone assigned to us, even from the Solicitor's Office, who can work with us on a daily basis. We do have assistance in other areas on our staff, financial people and others and engineering people, but we don't have anyone to give us legal assistance; and as legislators, I think that would be very helpful to us to have competent legal counsel available. It would also avoid the problem of us simply going out and trying to hire our separate legal counsel to give us the opinion that we are looking for. I would anticipate that legal counsel would be in a position to advise Council and to avoid many of the problems that we seem to be having of a legal nature.

(END - MR. ROBINSON'S REMARKS ON
BILL NO. 2715 - 3/30/83)

Mr. Stone:

I'm voting no for the following reasons. While some Councilpeople don't like the decisions of the City Solicitor, no one has yet shown that those legal decisions have been incorrect. And for him to rule otherwise, I don't think anyone really should desire that. I think this Council needs more stature and not more static and more posture. I'm voting no.

Mr. Woods:

I vote no for the same reason Councilman Stone has. I'd also like to add that if we had our own Solicitor for Council, we'd have to have nine of them because we disagree so much amongst ourselves and anyone knows that an attorney will fight whatever case you want him to fight. And the first one who gets to our own attorney, that's the case

he'd fight. So, we'd have to have nine in order for us to get along in Council.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson

AYES 4	NOES 5
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VOTING NO:

Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. Stone	(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mr. Flaherty:

Mr. President, I would just care to add a comment in regard to the vote if I have your permission.

The Chair:

Go ahead.

Michelle Madoff:

How come he has the permission and I didn't have it?

The Chair:

This isn't a debate. He wants to make a comment. You wanted to make a

debate out of it.

Michelle Madoff:

How do you know that? You didn't hear from me.

The Chair:

You're out of order, Michelle Madoff. Go on, Mr. Flaherty.

Mr. Flaherty:

I would just care to suggest to the sponsor of the bill, Mr. Robinson, that if he feels so strongly in regard to the issue, I think that perhaps he would want to explore the possibility of amending the City Charter and having the City Solicitor elected. That way, I think the Solicitor would certainly be more accountable to all the people since it would be the electorate that select him and not the Mayor's Office. I would consider doing it myself but I think I have had plenty of experience with ballot questions and it's not that burning of a concern for me at this time.

Also, with an affirmative recommendation,

Bill No. 2730

A Resolution entitled, "Resolution providing for the issuance of a warrant, without previous authority of law, in favor of Pennsylvania Salvors, Inc., in the amount of \$2,000.00 in payment for a refund of a cash bond."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2731

A Resolution entitled, "Resolution creating a Special Trust Fund entitled 'Salvation Army Emergency Food Fund Trust Fund,' (SAEFFTF) in the Payroll Withholding Fund, Mellon Bank, N.A., for the receipt and disbursement of deductions from Payroll Withholding Fund monies."

Which was read.

Also,

Bill No. 2733

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies, effective April 1, 1983, for the implementation of the City of Pittsburgh's Summer Youth Employment Program and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2734

A Resolution entitled, "Resolution providing for an agreement or agreements for specialized professional services in connection with conduct of negotiations and arbitration proceedings including labor relations advice, representation at negotiating meetings and economic and job evaluation advice, and related personnel matters; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2763

A Resolution entitled, "Resolution amending the Rules of Council, 1982-1984."

Which was read.

Michelle Madoff:

What does that mean? Would the sponsor of the bill please elucidate on that?

Mr. Robinson:

Basically, I have suggested seven changes in our rules that I believe will one, update our present rules, particularly in the area of fines; two, will hopefully give us a better committee structure so that we can handle the work that comes before us, and three, I think it is very important that we not take lightly the rules of Council. Our present rules, to my knowledge, have not been updated since 1976.

Michelle Madoff:

Mr. President, I think there was a motion made, and correct me if I am out of order, but I think it by Mr. Givens, I'm not sure, that we take them as separate items. There are some of the items that you suggest, Mr. Robinson, I would support you whole-heartedly —

The Chair:

That was voted down at the meeting, Michelle.

Michelle Madoff:

I have a great problem with the bill because I support part of it and not part of it. I think it was Councilman Flaherty, you addressed that, Sir, in that there were parts of the bill and parts that you didn't, but you voted for it just because you felt there was enough good in the bill and I'm really sort of torn because I wish we could take the bill in separate sections but the majority of this Council does not want to do the people's business in that order and I will decide when it comes my turn how I wish to

vote.

The Chair:

Roll call vote.

Mr. Flaherty:

I vote aye and I would appreciate having my remarks included from Wednesday's Committee Meeting.

Mr. Givens:

I vote no and I also would like my remarks to be brought forward.

Michelle Madoff:

While I don't agree with all of it, I think it's an attempt to make this Council more responsible to the public. I vote aye.

Mr. O'Malley:

I vote no because of Section 2, Rule 11. I'm sure that one section would be way one Councilperson could stonewall any legislation that they might not be inclined to have introduced in front of the entire body. I vote no.

Mr. Robinson:

I vote aye and I'd like to have my comments from Wednesday included on 2763.

Mr. Stone:

I vote no and I'd like my remarks brought forward but I'd just like to summarize two points, if I may. In Section 45, etc., that something was brought up already and voted down. It's an attempt to do it the second time and it can't be done within that term. The earlier sections are those items dealing with fines and if you can't control it with

what's there, I don't know how you're going to gain respect by increasing it. I'm voting no.

Mr. Woods:

I vote no and I'd like to have my remarks brought forward from Wednesday, but I'd like to add one other thing. I know I have disagreement on this Council. I don't believe that this is the proper way to amend our rules or to change them because, and I could be wrong and I said this on Wednesday, this is a bill, Bill 2763, and what we do here is pass law and I don't believe Council rules are law, whether they're presently law, and I don't believe these would be law. I vote no.

(BEGINNING - COUNCIL'S REMARKS ON BILL NO. 2763 FROM THE MEETING OF WEDNESDAY, MARCH 30, 1983)

Mr. Woods:

I don't know if the Rules of Council are presently by law. Are they by ordinance?

Mr. Robinson:

The Rules of Council are approved every time we reorganize by Council.

Mr. Woods:

Another thing. On your changes, Bill, we already voted down the three member committee by legislation a few weeks ago. A lot of things I see no problem with. But, if we presently can't live by the rules we have, and I think all nine of us have a problem with that at one time or another, I can't see by making stricter penalties or whatever, that we are going to start living by them now. I think if we use the present rules we have, and each one of us make up our minds today, if we say let's go by the

Rules of Council, we wouldn't have any problems. That is why I am against it.

Mr. Robinson:

If I might respond, Mr. Chairman. First of all, I would like to respond to Mr. Woods' comment about the bill that recently was introduced into Council to require three members to be on each committee; that bill specifically made reference to that portion of the Home Rule Charter which requires three members to be appointed to each committee. While that bill did not pass, I think the charter is very specific that members of Council must be appointed, and three members of Council have not been appointed to each committee. My attempt here is to change our rules, our rules, so that we might have at least three persons appointed to each committee.

As far as obeying the rules and regulations, certainly it is up to the president of Council to enforce the rules and regulations, in fact, that is in the rules and regulations. But, I think that any set of rules and regulations must be updated from time to time. I think that if you take a look at the rules that we are presently operating under, the last time that they were updated probably was in 1976; so this is an attempt to update the rules. I don't think that the suggestions here in any way deal with the issue of enforcement. There have been no proposed changes in the enforcement powers. The president of Council still is obligated to enforce all the Rules of Council.

The one part of this bill I would like to make specific reference to is the portion which deals with the solicitor providing us with a legal opinion on each bill. In the past, various members of Council have requested legal opinions on bills where they personally have had a

problem with it. It seems to me that if we are going to be consistent in our legislative functions, that we certainly want the solicitor to give us advice in advance, opinions in advance. That would give us an opportunity, all of us, to look at the solicitor's assessment of the legislation prior to us taking any action on it. I think that would be more consistent.

These proposed changes are in view of the fact that the Rules of Council have not been changed recently, and also, I think it is always good to update your rules so that you can accommodate the orderly processing of business.

The Chair:

May I ask the sponsor of the bill a question? Since you want to increase the fines, what is your purpose for it? What ill are you trying to correct?

Mr. Robinson:

I think that over the last couple of years there have been a number of fines and taxes, etc., in the City of Pittsburgh that have been updated. On several occasions our treasurer and our finance director have indicated the necessity for updating the fines. It seems to me that in today's world, that changing the fines is appropriate. This Council certainly has the power to waive any penalties; but if we are going to be consistent with the whole notion of establishing rules and regulations to operate, then I think you have to make them applicable to the present set of circumstances.

The Chair:

Yes, but if the fine process that is now in force has not been used very often, then what are we attempting to do by the extra \$15 and \$20?

Mr. Robinson:

Then I think what ought to be considered, and perhaps you've raised a valid point, is that we ought to do away with the fines. I have been on this Council five and one-half years and I can never remember a member of Council being fined. Perhaps your point is well taken, that we ought to do away with the fine system altogether.

Mrs. Masloff:

Mr. Robinson, I was fined once.

Mr. DePasquale:

We had a lack of a quorum and we fined four or five members.

Mr. Robinson:

Perhaps we should do away with the fines altogether then.

The Chair:

If I may just may make a comment. Relative to the fine situation, to make it higher than what it is, when, as the Chair sees it, and having the opportunity to do this very thing, I think that some of the people who might be subjected to this kind of situation don't welcome it anyway and it is kind of a waste of time to attest to do something, as Mr. Woods has indicated, that is not being enforced at the present time.

Mr. Robinson:

Then they should be removed from the law.

The Chair:

Secondly, relative to that matter of three appointed members to Council, I think that issue has been resolved in this

term, and I would think that that one is out of order at this present time, having been disposed of.

Relative to asking the city solicitor to make an opinion on every bill, if that is the case, then all we would have the city solicitor doing is rendering legal opinions when needed and when not needed. I'm thinking that would be cumbersome and abusive, the valuable time that we might get from him. Frankly, my vote is going to be against it.

Mr. Woods:

One more thing on the city solicitor. I'm almost positive, I shouldn't say I am sure, that most legislation that we pass here in Council comes from the administration, from directors and so forth. I am sure that the city solicitor reviews that prior to it coming to us. The only other legislation would be something that we draft ourselves. I can only say this personally, anything that I am drafting I send down to the city solicitor to get it in the proper form. I am sure, almost positive, that almost all members of Council do the same thing.

Mr. Flaherty:

I have a question. Could you clarify Section 7, where you say that all Standing Committees of Council shall meet twice a month to discuss—

The Chair:

Tom, he is talking about when you get—

Mr. Flaherty:

I am asking Councilman Robinson, it is his bill.

Mr. Robinson:

As it presently stands, the standing Committees do not meet. It would seem to me that given the volume of legislation and the complexity of the legislation that we have, that it would be helpful in transacting our business if standing committees would meet on a regular basis in order that they can make the appropriate reports to the total Council.

Mr. Flaherty:

I thought a standing committee was in every week here at the committee table.

Mr. Robinson:

No. That issue was discussed on several occasions, and certainly a case can be made that when we meet on Wednesday, that this is a committee meeting. I think even if you look at the opinion of the solicitor, there is some confusion as to whether or not when we meet on Wednesday it is a Standing Committee Meeting. As the rules presently provide, standing committees are supposed to have regular meetings. This meeting cannot be both a Standing Committee Meeting and a meeting of the whole, if for no other reason the only person who chairs this committee meeting is the finance chairman, so this is simply the Finance Committee Meeting. If we want to accept that notion, I have no problem with that, but I don't think you can consider our meetings on Wednesdays to be meetings of all the committees. I am suggesting that we separate out the meetings so that the Standing Committee Meetings can meet at least twice a month.

Mr. Flaherty:

Are you aware of, I am not aware

of a standing committee ever commencing, outside of our meetings on Wednesday.

Mr. Robinson:

Yes, they have.

Mr. Flaherty:

When?

Mr. Robinson:

The Committee on Planning, Housing and Development.

Mr. Flaherty:

Oh, yes, your committee, that is on Friday mornings. I'm sorry. But outside of that--

Mr. Robinson:

I am unaware of any other committee.

Mr. DePasquale:

For the record, any chairman to call a meeting of his committee at any time and doesn't, that is their problem.

Mr. Givens:

Mr. Chairman, some of these are very good points to put into writing. I think all of us in some form or another have what we call an informal arrangement. For example, I talk with my director on the legislation that is pending before me. If all of us would attend the meetings of the nine o'clock session in the Mayor's Conference Room on Monday at nine o'clock, that is the form that has been set-up for this particular dialogue. All of us, just looking at what we've had so far today, we've held two or three bills, we've

tabled one bill, and we can also abstain if we so desire, if we are not clear in our own minds as to what the intention of the bill is, and if it is not explained adequately by our directors when they come down before us. We have between this Wednesday session and Monday's session to again look over any technicalities that we might need.

Not repeating what Ben Woods said, I agree with Ben and his comments, I won't elaborate any more on that, other than if I feel that there is anything that is of a legal nature, I send it immediately down to our Law Department. Then if I am not satisfied, then I have that prerogative to go outside.

Mr. Robinson:

If I might, the suggested changes are being made in order that Council hopefully, if it so desires, would be able to function with rules and regulations that would make our operation more efficient. These rules, as I understand it, are not for the personal accommodation of any member of Council, and certainly my changes are not intended to accommodate any personal member of Council. If Council feels that the present rules and regulations are adequate, certainly I have no objections to that. But, I don't think that we should take lightly the rules that we pass every two years and assume that the rules that were applicable in 1976 would still be applicable today. These suggested changes hopefully can bring attention to the fact that we probably do need to update the rules, and what form would obviously have to be determined by Council. But at least this is my attempt to suggest to Council some changes that we might want to consider, but they are not presented to accommodate any specific member of Council, but simply to accommodate the process.

If I might ask for a point that the Chair could rule on, I was wondering if we might be able to vote on each separate proposed change.

Mr. Flaherty:

You can move for the division of the bill.

The Chair:

If I have the majority to divide the issue, I will.

Mr. Robinson:

Then I make a motion to divide the bill.

Michelle Madoff:

I second the motion. I still haven't had my turn to speak on the bill.

The Chair:

Wait a while. We are only on the division, take the vote.

Mr. DePasquale:

Point of order, Mr. Chairman, it is a councilmember's prerogative if he wants to amend the bill, I don't know why we have to vote on if he is allowed to do it.

The Chair:

We are not amending.

Mr. DePasquale:

But he wants to take it separately.

The Chair:

Take the vote.

Mr. Perry:

Mr. Flaherty.

Mr. Flaherty:

Aye, and the reason why, I think we should extend the courtesy to the sponsor of the bill. Second of all, we have seven separate issues which are extremely diverse. It would be a real hodgepodge to try to settle this issue in one vote.

Mr. Perry:

Mr. Givens.

Mr. Givens:

I think if the author of the bill wanted to decide the major issues that are in here, he should have broken it up into three bills before he started. I vote no.

Mr. Perry:

Michelle Madoff.

Michelle Madoff:

Aye.

Mr. Perry:

Mrs. Masloff.

Mrs. Masloff:

No.

Mr. Perry:

Mr. O'Malley. (not present)

Mr. Robinson.

Mr. Robinson:

Aye.

Mr. Perry:

Mr. Woods.

Mr. Woods:

I vote no for the same reason I stated, we can't live presently by the rules we've got, I think we should learn to do that before we do any changing.

Mr. Perry:

Mr. DePasquale.

Mr. DePasquale:

No.

Mr. Perry:

Mr. Stone, Chairman.

The Chair:

No.

Mr. Perry:

Ayes, three; noes, five.

The Chair:

On the bill, Mr. Robinson, we have a motion and a second.

Michelle Madoff:

On the bill itself, since everyone has addressed it I would like to have my statements included. On the issue of raising penalties, it has been my policy and habit, and even Mr. DePasquale will attest to this, that when I cannot be here I will either have a written note or my aide come in and say I am ill, I have a

previous commitment, so that you know in advance that I am not going to be here. If I have not attended when there is not a quorum, then indeed I should be fined under the existing fine. I believe that is what Sophie was referring to, at one time there was not a quorum, somebody didn't notify and that is why there was a fine. That should be taken separately, and I agree. But, since you are not going to do it, I am addressing them all.

With reference to the issue of three appointed members of Council to serve on a committee, I have a legal opinion which I can produce if need be, in writing from an attorney who said that you are absolutely correct, and that the legal opinion of the city, Mr. Pellegrini, is in error' that this Council is not a committee of three. I can prove that very simply by saying, which member of Council, other than myself, is familiar with the number of leaks, the number of valves, how many repairs there are, how many backhoes we have, what the men are working on, what water leaks they are working on each day; perhaps two other people having input on my committee would be productive. Would anybody care to talk about the number of leaks we had in the last 18 months? You don't know, you trust me and you say, Michelle, that is your committee. Many times when I ask a question on someone else's committee, or even introduce legislation on somebody else's committee, I am told to mind your own business, stay to your own shoemaker, it's not your committee—don't stick your nose in it. I think the Home Rule Charter states that you are supposed to stick your nose in it. Three heads are better than one, there should be three people addressing all the various sub-committees, and then bring it before this committee on Wednesday.

On the issue of getting a legal

opinion from our Law Department on each bill, if Mr. Robinson's bill to have legal counsel had passed, where we didn't need five votes to get a legal opinion so that each member doesn't have to go out and hire or pay for an attorney, we wouldn't run into the situation that I ran into on the bill that Mr. Dan Pellegrini prepared on the arcades, saying that it is illegal. I now hear from the media that it is being done in Boston and other places; perhaps another opinion may have resolved that. On my bill coming up on the security in parking lots and garages, the bill was drawn up, it was drawn up rather sloppily, I am having it re-done, the attorney who did it is under a great deal of pressure--having a lot of work; if we had our own counsel, as mandated by the Home Rule Charter, allowing us to do that, we would have somebody available to help us. It is very apparent that this bill is going to go down to defeat because the majority of this Council doesn't really give a damn about the public.

The Chair:

On the bill, let's take a vote.

Mr. Perry:

Mr. Flaherty.

Mr. Flaherty:

Aye. I don't agree with all seven issues in the bill, but since, in the wisdom of Council, we've decided to take one vote on all seven of the measures I am supportive overall for change in Council's rules. I would just want to point out that in Section 1, Rule 2, where it says, "Any member of Council that is absent for sickness or other unavoidable causes...", I would hope that would be enforced more. I think there is a great deal of absence from Council, I think the majority of that absence is not due to

sickness or to other unavoidable causes. I think that process should be scrutinized more. I think it is imperative that the members of Council attend the meetings, that is primarily what we are receiving our salaries for.

In Section 5, an issue that was not touched upon in the debate, but in my opinion is the most crucial one, I believe that the chairperson of each of the standing committees should have the opportunity to read the bills because I feel that that would just reinforce the entitled jurisdiction that a chairperson should have over the bills in their committee. This is the only body that I have ever seen where consistent courtesy is not extended to the committee chairperson.

Mr. Perry:

Mr. Givens.

Mr. Givens:

That is very wonderful that we live right next door to one another here and it only takes about five giant steps where we can go in and talk to one another on any bill that we might have. If one would look down at the bill that we are debating on, it is 2763, that is how many bills have been before us in about the last 12 or 13 months. Can one realize the legal expense involved if we need a legal opinion for each one of them? I think we are here first, and most certainly, to try to keep the tax burden of the people of the City of Pittsburgh down. When Mr. Flaherty mentions about this is the only type of government that he sees, I can look at the government of the federal and our state and see where it goes from one part of the House to another part of the House and to standing committees, and we are still waiting to build bridges and roads and everything else months and

months later.

I think we move very rapidly on all of the bills that come before us. When we have a complicated bill, we have public hearings on them and we have months to debate the issue. I vote no.

Mr. Perry:

Michelle Madoff.

Michelle Madoff:

I would agree with Councilman Givens that we sure move rapidly without information, and I vote for the bill, yes.

Mr. Givens:

I didn't say that, Michelle, I said we move rapidly. I get all the information I need, I don't know about you.

Mr. Perry:

Mrs. Masloff.

Mrs. Masloff:

No.

Mr. Perry:

Mr. O'Malley. (not present)

Mr. Robinson.

Mr. Robinson:

Aye.

Mr. Perry:

Mr. Woods.

Mr. Woods:

No.

Mr. Perry:

Mr. DePasquale.

Mr. DePasquale:

No.

Mr. Perry:

Mr. Stone, Chairman.

Mr. Stone:

No. And, I would just like to make this comment. There has been a statement made at this table that we are voting purely based on the credibility or reliance on the chairperson. Nothing is further from the truth, especially when that chairman doesn't even know what page in the budget their department relies.

Michelle Madoff:

Is it relevant to know what page the budget is on? How many water leaks do we have in the department, Mr. Stone?

The Chair:

You are out of order, Michelle.

Michelle Madoff:

No, you are making an accusation, you've done it before, I am not out of order—you are attacking me and I am not going to permit it.

The Chair:

You are out of order.

Michelle Madoff:

Sir, you are out of order. The way you conduct business in this city, you are a disgrace. You don't even care if this city is in financial havoc, you don't really give a damn.

The Chair:

You are out of order.

Michelle Madoff:

I sure am, boy.

The Chair:

For someone to make some attack upon someone else, that they don't give a damn, I think people who make those kind of accusations could very well find a solution to their problem if they would look in the mirror.

Michelle Madoff:

When have you looked, do you shave?

The Chair:

The bill fails, we'll move to the next issue.

(END - COUNCIL'S REMARKS ON BILL NO. 2763, 3/30/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson

AYES 3

NOES 6

VOTING NO:

Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mr. Givens presented

Bill No. 2813

Report of the Committee on Public Works for March 30, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2707

A Resolution entitled, "Resolution providing for a contract or contracts for the purchase of Jersey Barriers utilized for the safe harricading of streets and bridges in emergency situations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2708

A Resolution entitled, "Resolution amending Resolution No. 138, approved February 21, 1983, effective March 2, 1983, entitled, 'Providing for an

agreement granting J. J. Gumberg Company the right to construct and maintain a building over a sewer line of the City of Pittsburgh on property owned by J. J. Gumberg and Company in the 17th Ward of the City of Pittsburgh,' by amending the title to read the correct property owner."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2814

Report of the Committee on Planning, Housing and Development for March 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2716

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of Phase II of the Silver Lake Urban Development Action Grant; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2717

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the City of Pittsburgh. (URBAN HOMESTEADING REHABS)"

Which was read.

Also,

Bill No. 2718

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the City of Pittsburgh. (RESALE FOR REHAB)"

Which was read.

Also,

Bill No. 2719

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27. (COMMERCIAL)"

Which was read.

Also,

Bill No. 2720

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27. (RESALE FOR REHAB)"

Which was read.

Michelle Madoff:

Mr. President, as you may recall, on Bills 2717, 2718, 2719 and 2720, all dealing with disposition of property which have been taken from Lands and Buildings and given to URA, I have been promoting since the day I was on this Council after I did a six month study that all citizens of this City should have equal access. Brother Richard has been before this Council and has agreed to give us a complete station, a public service channel, that will all day long, and the Mayor thinks it's a super idea, rotate all the properties we have for sale either in the Vacant Lot Committee, in the Lands and Buildings, or in Urban Redevelopment.

I was told by the Chairman of Finance on Wednesday that I should have that information before Monday so that I could vote. Has anyone gotten an answer back? Did you write a letter, Mr. Perry?

Mr. Perry:

Yes, I did.

Michelle Madoff:

But we didn't get an answer. May I move to hold those four bills? We did not get an answer on those bills.

The Chair:

Is there a second to recommit?

There being no second, we will not recommit.

Michelle Madoff:

May I please have a reminder letter sent to Brother Richard saying that it is imperative that I have an answer to that and I would appreciate if Sophie Masloff, head of the Cable

Committee, would please look into that matter. Brother Richard has made a commitment to do that. I want all Pittsburgh residents to have equal access to these bargains, if indeed they are bargains.

Mr. Givens:

On the bills that Michelle had just mentioned here, were those resolutions approved and executions on the contract, distribution of land by and between the Urban Redevelopment Authority of Pittsburgh, the board that I sit on, and they advertise in the local newspapers and those people who are interested, most of these sales, however, went to people who have been very interested and have been working in the 21st Ward of the City of Pittsburgh, the Manchester area of the City of Pittsburgh, and God bless them because without them we wouldn't be as far along as we are.

Michelle Madoff:

I vote no on these bills because I can't and did not get a response from, which would be very important to the citizens of the community giving everybody equal access, even the people who live in those areas who also might want to compete for those properties.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. Robinson

**Mr. Givens
Mrs. Masloff
Mr. O'Malley**

**Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)**

AYES 8

NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2721

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and James J. Robinson for the sale of Parcel 215 in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARD)."

Which was read.

Also,

Bill No. 2722

A Resolution entitled, "Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and Don E. and Karen D. McNeal for sale of Block 174R Lot 139 in the Thirteenth Ward of the City of Pittsburgh (RESALE FOR REHAB)."

Which was read.

Also,

Bill No. 2723

A Resolution entitled, "Resolution providing for an agreement(s) with

consultant(s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2724

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1330 W. North Avenue (Block and Lot 7-B-354) and 1110-1112 Sheffield Street (Block and Lot 22-R-159 and 160) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 2725

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for demolition of the garage structure at 1432 Columbus Avenue (Block and Lot 22-B-249) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 2726

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 518-N. Taylor Avenue (Block and Lot 23-J-212) and 525 N. Taylor Avenue (Block and Lot 23-J-253) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 2728

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a) A (8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for erection of a five-story rear addition to Western Psychiatric Institute and Clinic on property zoned "I-C" Institutional-Civic District located at the northeast corner of O'HARA STREET and DESOTA STREET, 4th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Stone:

Mr. President, if I may. I have to attend the Parking Authority meeting. They need a quorum.

The Chair:

You're excused, Mr. Stone.

Michelle Madoff presented

Bill No. 2815

Report of the Committee on Water for March 30, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2710

A Resolution entitled, "Resolution providing for an agreement with the Consolidated Rail Corporation for use of a side track railroad facility at the Water Treatment Plant and providing for an initial payment of \$1,738.50, chargeable to and payable from Code Account No. 1701, Miscellaneous Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2816

Report of the Committee on Public Safety for March 30, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. No. 2713

A Resolution entitled, "Resolution repealing Resolution No. 1374, approved December 30, 1982, effective December 31, 1982, entitled, 'Providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof.'"

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 2817

Report of the Committee on Lands and Buildings for March 30, 1983 transmitting one resolution to Council.

Also, with an affirmative recommendation,

Bill No. 2699

A Resolution entitled, "Resolution amending Resolution No. 961, approved September 24, 1982 and effective October 8, 1982, entitled 'Providing for a Lease to the Commonwealth of Pennsylvania, Department of Transportation, of certain property located in the 18th Ward of the City of Pittsburgh, for a term of ten (10) years, at an aggregate rental of Five Thousand (\$5,000.00) Dollars.'"

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 7

NOES none

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, there was an editorial in the Press this week, "Video Game Licenses". And they are suggesting that we change the process of our video licensing to locations rather than devices themselves. I think that's a very good point because I have been to some of the arcades and the police are not seeing that there are indeed some licenses on and where we thought they were they are not on. And what is suggested in this editorial is that we license the place to have X number of machines at some figure as opposed to per individual license because, what happens is that they take the machines when people get bored with them and shift them around from one place to another. Many of the people that are dealing in the arcade machines, the video games, are distributors rather than people who actually have them so that they are being shifted consistently and continuously.

A letter was sent by Mike Perry's staff, and I thank him for that and for doing a very fine job, it is Mary Beth doing the job, I believe. We sent a letter which we obtained an interim report of an inventory done by the Police Department and I think it was appropriate because they walk the beat and they knew which private clubs and which places to go into. Although the inventory is not complete, it is inaccurate in some respects. The reason

it's inaccurate, we believe, is because of exactly what this editorial is saying. The distributor puts it in one building today, takes it out and puts it in another building next week, and therefore, we don't have any control.

If we license the place itself, then we can be sure of collecting our due taxes. What is happening is that we've now made a Xerox copy, cut them up alphabetically, and I wrote a letter to all the people that they had access to, the Police Department, saying that this is an expanded list. I think we've got more than a hundred responses. At least a hundred responses asking them to voluntarily post a sign saying we do not permit children during school hours to play our video machines, whether it's an arcade or not. And the mail is coming in in droves. We're getting forty or fifty a day. We said by the 8th, so in the next few days we should have a really good count. Then I will take those who have not agreed and turn them over to the community groups and let the community groups who really testified here deal with them as they see fit.

But I think the most important thing is that I would like, and that's what I called you about today and I couldn't remember, Mike, would you please prepare a bill for me that would amend the licensing, the code of licensing procedure to do it per entity, per location than it would be per machine. We found that many of the cards that came back, Mr. President, there are no locations, which is very interesting. And the names don't match the list so we're missing out on thousands of dollars. And what we're going to do, I've made arrangements with the City Treasurer's Office and the Fiscal Advisor, Mr. Schillo, to turn our list over to him. So, in essence, we're doing their work. But I think we ought to be working together and it's a good effort together. And if

we change this, it would help his job and I think the paper came up with a credible and a very good solution for which I thank them.

Mr. O'Malley moved to approve the minutes of Monday, March 14, 1983.

Michelle Madoff seconded the motion.

Which motion prevailed.

And on the motion of **Michelle Madoff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, April 11, 1983

No. 15

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 11, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 2820 Resolution providing for the issuance of a warrant in favor of Highway Equipment Company in the amount of \$14,764.00 in payment for

Emergency Repairs to the G660 Gradall used for general excavation; and providing for the payment thereof. Funds are available in Code Account 1610, Misc. Services, Bureau of Operations, Department of Public Works. Prior approval by Council Bill No. 2245, dated January 13, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 2821 Resolution providing for a Contract or Contracts, or use of existing Contracts for Traffic Signal Installation at Various Locations; and providing for the payment of the cost thereof. Funds for this project are available in Code Account PW 83-29, 4-01-10-0001-83, Signals at Various Intersections. Cost not to exceed \$200,000.00.

Also,

No. 2822 Resolution providing for an Agreement or Agreements with Engineering Mechanics, Inc. for Professional Engineering Services in connection with the backfilling of LRT excavation at Liberty Avenue and Sixth Avenue; and providing for the payment of the cost thereof. Cost not to exceed \$108,000.00. Funds are available in Code Account PW 83-27, 4-01-01-0125-83, Supervision of Quality Control on LRT. Prior approval by Council on March 7, 1983, for \$99,940.00.

Also,

No. 2823 Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating new line items and adjusting the summary totals.

Also,

No. 2824 Communication from Paul J. McDermott, Deputy Director, Department of Public Works, requesting permission for Louis R. Gaetano and Ralph J. Kraszewski to travel to New York City to observe the New York City Public Works Department sweeper operations on April 8, 1983, at a cost not to exceed \$356.00, payable from Code Account No. 1530, Misc. Services, Bureau of Engineering, Department of Public Works.

Also,

No. 2825 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for Brother Richard Emenecker, F.S.C., to attend a meeting of municipal cable administrators in Washington, D.C. amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating new line items and adjusting the summary totals.

Also,

No. 2824 Communication from Paul J. McDermott, Deputy Director, Department of Public Works, requesting permission for Louis R. Gaetano and

Ralph J. Kraszewski to travel to New York City to observe the New York City Public Works Department sweeper operations on April 8, 1983, at a cost not to exceed \$356.00, payable from Code Account No. 1530, Misc. Services, Bureau of Engineering, Department of Public Works.

Also,

No. 2825 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for Brother Richard Emenecker, F.S.C., to attend a meeting of municipal cable administrators in Washington, D.C. on April 21, 1983, at a cost not to exceed \$275.00, payable from C.A. 1661, Misc. Services, Supplies, Repairs, Materials and Equipment.

Also,

No. 2826 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for Brother Richard Emenecker, F.S.C., to participate in a seminar sponsored by the Michigan Municipal League in Southfield, Michigan on May 10, 1983, at no cost to the City of Pittsburgh.

Also,

No. 2827 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for himself to attend a seminar of sweeper operations in Chicago, Illinois, on April 18-19, 1983, at a cost not to exceed \$575.00, payable from Code Account No. 1502, Misc. Services.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2828 An Ordinance amending

the Pittsburgh Code, Title Seven, Business Licensing, Article IX, Amusement Businesses, Chapter 777, Mechanical Amusement Devices, by requiring each location to pay an annual license fee of \$125.00 for each and every mechanical or electronic amusement device located on the premise.

Also,

No. 2829 Resolution providing for the issuance of a warrant in favor of R & S Equipment Company, 100 Sylvan Avenue, Verona, PA 15147, in the amount of \$650.00, chargeable to and payable from Code Account No. 1706, Equipment, Department of Water. For the purchase of saw blades, prior approval by Council Bill No. 2648, (1983).

Also,

No. 2830 Resolution providing for the issuance of a warrant in favor of General Electric Supply Company, P.O. Box 36024-M, Pittsburgh, PA 15251 in the amount of \$1,843.73, chargeable to and payable from Code Account No. 1705, Repairs, Department of Water. For the repair of Power Factor Boards at Herron Hill Pumping Station, Prior approval by Council Bill No. 2103, (1982).

Also,

No. 2831 Petition from the students of American Technical Institute, requesting a hearing for the continuation of their Clerical Word Processing Program, which was funded by C.A.P. and a clarification of the intention of Hill House and/or Community Affairs to continue that program.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2832 Resolution amending Resolution No. 283, approved April 11, 1980, entitled, "Providing for a contract or contracts for relay of a water main in conjunction with Improvements to Chestnut Street Intersection; decreasing the appropriation from \$130,000.00 to \$60,011.64, chargeable to and payable from 1980 Capital Budget Account WD-80-06. Department of Water.

Also,

No. 2833 Resolution repealing Resolution No. 63, approved January 31, 1983, entitled, "Providing for a contract or contracts for relay of water main in conjunction with Improvements to Chestnut Street Intersection; at a cost not to exceed \$60,011.64, chargeable to and payable from CBA, WD-80-06 (4-05-20-1199-80-151-80-05), Department of Water.

Also,

No. 2834 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval for the emergency relay of a ruptured 8" water line which runs below the Parkway West, at the south end of the Fort Pitt Tunnels, at a cost not to exceed \$80,000.00, payable from C.A. No. WD-82-06.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2835 Resolution further amending Resolution No. 1385, effective January 1, 1983, as amended by Resolution No. 121, effective March 2, 1983, entitled, "A Resolution adopting the 1983 Capital Budget and approving the 1983-88 Capital Improvement Program" by increasing the amounts provided for 4-10-10-0001 (PR 83-11)

Rehab. Existing Playgrounds and 4-10-05-1480 (PR 83-20) Lighting, New or Replacement of fixtures.

Also,

No. 2836 Resolution providing for agreement or agreements or the use of existing agreement or the agreements from time to time for material testing or professional consultation at a cost not to exceed \$15,000.00, chargeable to and payable from Project Code 4-10-15-0002-83 (PR 83-17) Major Repairs and Emergencies, in the Department of Parks and Recreation.

Which were read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 2837 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, District Maps No'd. 12 and 13 by changing from "M3" Light Industrial District to "A1" Commercial-Residential and "M1" Limited Industrial Districts certain property located in the general vicinity of S. 27th Street; Carson Street; Carey Way and Sarah Street, 16th Ward.

Also,

No. 2838 Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1983 Community Development Block Grant Program; and providing for the payment of the costs thereof. Cost not to exceed \$13,653.00, payable from the 1983 Community Development Block Grant Program Trust Fund.

Also,

No. 2839 Resolution providing for

the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1983 Community Development Block Grant Program, and providing for the payment of the cost thereof. Cost not to exceed \$120,000.00, payable from CP 83-06, URA Planning and Management.

Also,

No. 2840 Resolution approving execution of a Disposition Contract by and between URA and Donald Norrington for the sale of Block 22F, Lot 237 in the 21st Ward - Residential Land Reserve Fund (1322 Columbus Avenue) for \$900.00.

Also,

No. 2841 Resolution approving the sale of Parcel 111 (1308 Liverpool) in the 21st Ward of the City of Pittsburgh by and between URA and Wayman Ivey for \$18,500.00 - Redevelopment Area No. 27.

Also,

No. 2842 Resolution approving the sale of Parcel 20A (Windgap Avenue in the 28th Ward of the City of Pittsburgh by and between URA and Michael J. Kalimon, Jr. and Beverly M. Kalimon for \$2,000.00 - Redevelopment Area No. 24.

Also,

No. 2843 Resolution approving execution of a Disposition Contract by and between URA and Kenneth S. Kegley and Rocco F. Ragao for the sale of Block 19G, Lot 84 in the 20th Ward of the City of Pittsburgh for \$4,000.00 - Residential Land Reserve Fund (814 Walbridge Street).

Also,

No. 2844 Resolution approving execution of Disposition Contract by and between URA and Housing Authority of the City of Pittsburgh for the sale of Block 57C, Lots 194, 199, 200, 201, 202, 203, 205, and 206 and Block 57D, Lots 1, 4 and 26 in the 15th Ward for \$9,850.00 - Residential Land Reserve Fund (Sunnyside and Renova Streets).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2845 Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of \$741.94 to the Commonwealth of Pennsylvania representing initial payment required for unclaimed funds for the year 1975 pursuant to the provisions of the Disposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74, from Warrants Outstanding, General Funds, from Warrants Outstanding, Water Fund, from Warrants Outstanding Special Funds and from Checks Outstanding Special Trust Fund No. 1.

Also,

No. 2846 Communication from Melanie J. Smith, Director, Department of Personnel, requesting permission for Barbara Sperling Brown to attend a conference of the United States Conference of Mayors Employment and Training Council and the National Association of Private Industry at a cost not to exceed \$900.00, payable from the CETA Trust Fund, federal funds.

Which were read and referred to the Committee on Finance.

Mr. Woods presented

No. 2847 Resolution providing for an Agreement or Agreements with a licensed and registered Salvor or Salvors for towing, storage and disposition of motor vehicles in accordance with the Act of June 17, 1976, P.L. 162, No. 81, and its amendments; and repealing Ordinance No. 517, approved December 31, 1971, as amended.

Which was read and referred to the Committee on Supplies.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

The Chair presented

No. 2848 Communication from Michael Perry, City Clerk, requesting permission for Peter Vaughn, Assistant Budget Controller and Albert D'Alessandro, Assistant Engineering Programs Controller to attend the Municipal Finance Officers' Association Annual Conference held in Toronto, Canada on June 11-14, 1983. Cost not to exceed \$2,500.00, chargeable to and payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, City Council.

Which was read and referred to the Committee on Finance.

Also,

No. 2849 Petition from the residents of Claybourne and Graham Streets, 7th Ward, requesting a public

hearing opposing the construction of any large structure on Lot (51M-250), property of the Urban Redevelopment Authority.

Which was read and referred to the Committee on Planning, Housing and Development.

UNFINISHED BUSINESS

The Chair presents

Bill No. 2850 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Bill No. 2679 entitled, "Amending the Pittsburgh Code, Article III, Depositories, Section 223.01, Distribution of Deposits, by requiring that a certain amount of deposits be placed in minority controlled financial institutions."

Which was read, received and filed.

(MAYOR'S VETO LETTER - APRIL 7, 1983)

April 7, 1983

Honorable President and Members
City Council
CITY OF PITTSBURGH

Re: Council Bill 2679 - Deposit of Federal and State Funds in Minority Controlled Financial Institutions in Pittsburgh and Across United States

Dear Mr. President and Members:

Council Bill 2679 which requires that certain deposits be made in minority financial institutions has been forwarded to me. This Bill deals with the involvement of minority financial institutions in the economic life of this

City which I have repeatedly stated is one of the greatest concerns of my Administration.

During the course of my Administration, I have taken a number of positive steps, together with Council, to support these institutions. Over the years, the City has made substantial deposits in City minority controlled financial institutions. This year when one minority financial institution did not decide to bid on City funds until after bids to act as a depository were accepted, I requested that the City's Leasing Authority use that institution as a depository. Moreover, the City Treasurer is now depositing approximately \$800,000 of Federal Wage Withholding Taxes per pay in that institution.

My Administration will continue to see that minority financial institutions located within the City of Pittsburgh receive an appropriate share of City deposits. However, despite its worthy goal, I must veto this Bill for both legal and public policy reasons.

Attached is an opinion of the City Solicitor holding that this Bill violates the Pennsylvania Constitution and the Home Rule Charter.

Even if legal, I would be compelled to veto this Bill. It requires that all Federal and State funds be deposited in a minority controlled financial institution and that City funds be deposited up to the legal limit in minority controlled institutions. In both instances, these funds would be deposited not only in Pittsburgh but in minority controlled financial institutions across the United States. In this time when Pittsburgh needs massive amounts of capital to fund job opportunities, funds should not be moved to banks outside of this area.

For the objections set forth herein, I, therefore, am returning Council Bill 2679 as vetoed.

Very truly yours,

RICHARD S. CALIGUIRI

(END - MAYOR'S VETO LETTER)

Mr. Robinson:

Mr. President, I'd like to make a motion to suspend the rules so that we might informally discuss Council Bill 2679.

Michelle Madoff seconded the motion.

The Chair:

I don't know if that's in order. I think a motion is called for first.

Mr. Stone:

Mr. President, you may need the Parliamentarian. Mr. Robinson and I were just discussing this matter.

Relative to this bill, it's my understanding that when it comes back from the Mayor, you have to override it or it's not overridden, so to speak. I indicated to him that that's the only action you can take. You can't even go back. Maybe the Parliamentarian ought to answer that, I don't know.

Parliamentarian:

That is correct, either a motion to sustain or a motion to override is in order.

Mr. Robinson:

Point of information. What is that based on, your statement?

The Chair:

Parliamentary law.

Parliamentarian:

Well, in addition, you have the Home Rule Charter, which says, and this is Section 321, "The Mayor shall sign the legislation within ten days if approved, but if not, shall return it to Council stating objections. Council, at its next meeting, shall reconsider any legislation disapproved by the Mayor and may pass it in spite of the Mayor's disapproval by a two-thirds vote of all the members."

Mr. Woods:

Is there a section in there where we can just take a vote to recommit the Committee?

Mr. Robinson:

I think what he read does not preclude a motion to recommit the bills.

Parliamentarian:

Well, it's the Solicitor's opinion and mine also that the only action on a veto is to sustain or override. The legislative process has been completed to this point.

Mr. Robinson:

Okay, then I would say that the Solicitor's opinion is one that the Chair can accept or not accept and if my motion succeeds to have an informal discussion on the bill, I would request that the Chair make a ruling as to whether or not the bill can be considered to be recommitted, whether or not the Chair would entertain a motion to recommit the bill.

The Chair:

Mr. Robinson, if there was no veto on the bill there would be no problem. But there is a veto and therefore we have to follow proper procedure. There's a motion to override the veto.

Mr. Robinson:

Mr. Chairman, if I might, I think that the Charter and the opinion from the Solicitor suggests that the Chair does have the authority. If the Chair is ruling that it will not entertain the motion to suspend the rules or entertain a motion to recommit, then certainly I will accept that, but I think the rules do provide that those kinds of motions can be submitted. But if you won't accept them

The Chair:

That is what the Chair is ruling.

The only business that is on the floor is a motion to override the veto.

Michelle Madoff:

I move to override your decision.

The Chair:

You're out of order, Michelle.

Michelle Madoff:

No, I'm not out of order. I just checked with the Parliamentarian.

The Chair:

The only business on the floor is a motion to override the veto. Is there a motion to override it?

Mr. Robinson moved to override the Mayor's veto.

Mr. Flaherty seconded the motion.

Mr. Robinson:

Discussion. Mr. President, in the interest of trying to bring some resolution to the issue of whether or not the City is indeed committed to the whole notion of minority business participation, I'd just like to share a couple of thoughts with Council relative to Council Bill 2679 which specifically indicates that we would be putting a portion of City monies as well as federal funds and state funds in minority controlled institutions. I previously wanted to have this bill discussed informally so that we might find some other way to resolve this issue and hopefully refer it back to Committee to see if indeed we could achieve some reasonable level of deposits in minority institutions.

Since the Chair has ruled that it will not entertain those motions, then I will share with Council that information which I was going to share during the informal discussion. I think that first of all, the bill is consistent with this City's policy, both the policies established by the Administration and this Council to assist in aiding minority businesses, and certainly minority financial institutions are businesses. It has been suggested that the City has made substantial contributions or substantial deposits to minority financial institutions over the last few years. I would submit that if anyone were to look at the records, and I certainly have copies of those records in front of me, you will see that at no time have we had more than one percent of any of our City deposits in any minority institution. In fact, we have had .13, .15, .16, .19. The point I'm trying to make here is that I don't think that we have shown any substantial commitment since 1977 to support minority financial institutions of this City, whether it be

the Savings and Loan or the bank. Again, this bill is designed to make sure that that is done irrespective of the personalities involved.

Also, I would hope that the efforts that have been launched to date, to see to it that these institutions have deposits up to their capacity will bear some fruition and that we will be able to do all that we can in that area.

For those who have been helpful in supporting 2679 by way of their votes and by way of their hard work, I certainly would like to thank you and encourage you to continue to support the intents of this bill and I encourage you to override the Mayor's veto.

For those who had an opportunity to read that material which was forwarded to us in support of the veto, I think that we need to look at a couple of areas, and hopefully, in looking at those areas, it will give every member of this Council some opportunity to make an assessment as to whether or not indeed this bill is necessary and whether or not this bill is consistent with what we've been trying to do relative to minority participation, first of all, the area or the concern of whether or not we have been doing things over the last few years to make substantial contributions to minority financial institutions. I don't think the records reflect that, certainly not those records which we have in the Treasurer's Office or the Controller's Office, and I shared with you some of those statistics.

Also, there are some suggestions that the Administration is continuing efforts to make sure that appropriate amounts of City deposits go into these minority financial institutions. Once again, the Mayor has not been willing to share with us what those efforts are, and if they are under way, I would dare say

that this Council, as a body, is probably unaware of them and I would encourage the Administration to please share with us what they're doing in that regard.

Lastly, I'd just like to comment on the deposit of federal monies in minority institutions. Council should be aware that there is an office of management and budget circular at the federal level, A-102, Attachment A, which very specifically indicates that the federal government encourages local municipalities to place federal funds in minority financial institutions. Some time ago a bill came before this Council relative to our Community Development Block Grant Funds and I raised this same concern. I would hope that the people in our Community Development Program and those people in the Administration responsible for seeing to it that federal policy is carried out would address the concerns of Circular A-102, Attachment A, and do what is necessary to make sure that a portion of our Community Development Block Grant Funds are placed in minority institutions.

With those comments, I would just encourage my colleagues who have supported 2679 to please continue to do so and to support me and this effort to override the Mayor's veto.

Michelle Madoff:

Mr. Robinson, a vote to override the Mayor's veto would be an aye vote?

Mr. Robinson:

Yes.

Michelle Madoff:

Thank you.

Mr. O'Malley:

I'd just like to say that I don't entirely agree with my colleague, Councilman Robinson. In the Mayor's opinion to City Council it states that one minority financial institution did not decide to bid on the City funds until after the bids to act on a depository were accepted. That means that they did not ask that City funds could be deposited in that minority institution but the City of Pittsburgh and the Administration requested that the Leasing Authority deposit over \$800,000 in that minority institution anyhow. So, I think the Administration is trying but maybe not to the degree that Mr. Robinson would like them to try.

There's also one more paragraph I'd like to read. It says, "Even if this bill was legal, I would be compelled to veto this bill. It requires that all Federal and State funds be deposited in a minority controlled financial institution and that City funds be deposited up to the legal limit in minority controlled institutions. In both instances, these funds would be deposited not only in Pittsburgh" and this is a very important fact, "but in minority controlled financial institutions across the United States." This means we would take our funds outside of Pittsburgh and they would have to be deposited in Chicago, Philadelphia, Detroit. "In this time when Pittsburgh needs massive amounts of capital to fund job opportunities, funds should not be moved to banks outside of this area."

One more point. It would also take away where we require the Treasurer to place our tax dollars in our City funds and banks where they earn the highest rate of interest. Mr. Robinson's bill would require us to place our funds in minority institutions that pay absolutely no interest.

I make a motion to sustain the Mayor's veto.

Michelle Madoff:

May I point out that I have a list in my possession, in our files, of the corporations and entities that the City does business with, and three-quarters of them are not City businesses. That's number one.

Number two, Mr. O'Malley, is that I don't think you disagree with anybody here that we do want to help the minority banks by putting money to the limit of what they can accept. I'm not arguing that point. It can be amended, I'm just making a point.

The fact that they did not bid goes to the point that Councilman Stone has repeatedly made that sometimes minorities and people who are not as experienced as other groups that come before us, even for foundation grants or money to help their communities, need help in preparing proposals. They didn't understand. That was corrected by the City.

But the most important thing that Mr. O'Malley has addressed was let's give our money to the bank that pays the highest interest. Let me share some information with you. A couple of days ago, before the weekend, I looked in the paper and saw a bank giving eleven percent interest. I can't get eleven percent interest in Pittsburgh so I called the brokerage house and said, "Where are you giving eleven percent interest?" They said, "Well, our job is to do nothing more than to call banks all over the country and find out who is giving the highest rate of interest." I don't remember the second source but the first one was Chicago. Are you then saying, Mr. O'Malley, that since Mellon and other banks where we invest our money

don't necessarily spend all their money in Pittsburgh, they spend it everywhere, that we as a City should not look for the best bank? It may be in Atlanta or maybe California. If we're just going to build it on the merit of who gives us the most money and we can do better than a lot of Pittsburgh banks, I don't think that's a valid argument. And the banks here do not just spend their money in Pittsburgh. As a matter of fact, they loan it to Mexico where we're in big problems. We don't even know if we're going to get it paid back.

Mr. Flaherty:

Mr. President, I concur for the most part with the speech made by Councilman Robinson who is the sponsor of the bill. Granted, the City Solicitor, the Mayor, even some members of this Council, can continue to nitpick as to the technicalities or the legal questions concerning the deposit of City, State and Federal funds in minority controlled financial institutions. I think we have to keep in perspective the greater good of the City and I think that we certainly have a long way to go in the City. All of us on Council were made aware of the most appalling percentages that were presented to this Council a couple weeks ago as far as the awarding of contracts to contractors that were supposed to provide for minority participation.

We will never be able to break the log-jam as long as we continue to wrap ourselves in the most stringent arguments in opposition to creating a source to opening up the entry gate for blacks in this City. One of the entry gates is to have black controlled financial institutions that are able to compete with or who are on a par with other financial institutions in this City.

In just reviewing the address from the Mayor as to why he is going to veto

the bill, I am not aware of any compelling reasons for the veto. I could see if the City was putting forth massive amounts of capital to fund job opportunities. Then, perhaps, that one argument would have some credibility as to why we should deposit only in financial institutions in the City of Pittsburgh.

But I am just incredulous by that line, "In this time when Pittsburgh needs massive amounts of capital to fund job opportunities". I don't know what he's referring to unless that is a reference to the 170 part-time jobs that were created a few weeks ago which had nothing to do with amounts of capital in our financial institutions in the City.

On the opinion from the Solicitor, I would just want to go on record that I would hope in the future the Solicitor give a little bit more due to this Council and a little bit more respect. For example, language which reads, "You have requested an opinion as to the legality of Council Bill No. 2679 which purports to amend Section 223.01". That line "which purports", to me, is receiving the back of the hand from the Solicitor's Office. And I think we should receive a little bit more courtesy on this Council and I for one would hope in the future the Solicitor would act in a little more professional manner with some of the languages that he utilizes.

But beyond the cosmetics of the opinion from the Solicitor, and I could touch upon other language in the bill, it seems once again, whenever we have an argument concerning minority interests or minority jobs or the depositing of funds in minority controlled institutions, there is always an bogus issue that's presented. There is always a smoke-screen. In the Solicitor's opinion, there is, I believe, three references to taking money from the City's financial

institutions and spreading it elsewhere in the nation in banks throughout the United States and I have a copy of the bill in front of me and there is no language in regard to the nation or the United States. I think this is the smoke-screen argument that is used this time that is going to put the stake into the heart of what I think is a very minor symbol. It's not even substantial. For the most part it's just some tokenism and here we are debating the merits of whether we should kill a bill of tokenism or not. And that causes me to have serious criticisms of this whole move to veto the bill and I certainly am very critical of the reasons that the Solicitor is attempting to hang the bill on.

In closing, I just wish to say that as long as we continue to deploy legal arguments, there is never going to be even the beginning of equity for minorities in this City. It's about time that members of this Council address not the highest interest rate that we can get on \$200,000 or \$400,000 which is now deposited in minority financial institutions, a deposit which, incidentally, is tokenism and is a pittance in comparison to the overall deposit of City funds. But I think it's about time that this Council be bold and be innovative and perhaps be courageous and start to make a stand and start to test the parameters of the law and not always be cowering to an opinion from the City Solicitor's Office which, in my opinion, is extremely weak.

I would hope that we would make that stand here today and move to override the veto and if by doing that we are going to create such havoc to the financial state of affairs in this City and cause our money to be dispersed all over the United States and employ strong protectionist speech-making, then I would hope that we would move for the override and if there's problems let the

courts decide if there is a problem. This is an issue that is serious enough and it's one of the most serious issues that this Council will face. It is certainly serious enough that it deserves its day in court and I would hope that we would show that sensitivity to the black community.

The Chair:

Mr. Flaherty, if I may. You fail to note these are banking institution laws and not the City's laws. You never said that one time. We're not voting here on City laws. We voting on banking institution laws. There's the violation. Not the City of Pittsburgh. And I think that the veto is based on that if I'm not mistaken.

All I'm saying, Tom, is that they're going to have to change their laws before we can comply.

Mr. Flaherty:

Well, all I'm saying is allow this issue, if need be, to have its day in court. As long as we continue to stymie these issues before they're even out of the entry gate, we will not ever know what the parameters of our power is on Council or even what the parameters of the law is in regard to the banks and minority controlled financial interests.

Mr. Givens:

Mr. President, if I might. I enjoin both Councilman Robinson and Councilman Flaherty in some of their remarks as to trying to come up with new innovative ways to try to create what we're talking about here today. However, one must look into the law of existing laws that we have and they must be changed both at the federal, the state and even our own local law itself. The City of Pittsburgh, to my knowledge, has made maximum deposits up to the limits

of that particular law. That's a safeguard, I would assume, to the taxpayers of the City of Pittsburgh who we are all responsible for.

I don't know if we're taking this thing out of text. If one would look around and see how many minority banks and institutions we have within the City of Pittsburgh or Allegheny County, I think one would only find a handful that we're talking about. We're not talking about major banks and institutions. So, I think it's to some degree being taken out of proportion. What we can do to generate some more minority institutions is to handle this type of money. But remember, foremost, last and always, that we're supposed to give to the people, all the people, of the City of Pittsburgh, that be minority or not, the highest yield that we can get on any monies that we might have in any financial institutions. For that reason, I'll hold my vote until all of us have time to speak.

Mr. O'Malley:

I just have one short thing to say in regard to the speech given by my colleague, Councilman Flaherty, who is buoyant and has a lot of double talk --

The Chair:

Let's not debate it, Mr. O'Malley, just state facts.

Michelle Madoff:

I think that's unfair.

Mr. O'Malley:

Well, it's obvious to me that Councilman Flaherty didn't read the bill, didn't read the legislation. So, I'm going to read the legislation now so that all my colleagues can understand it and the

viewers can understand it.

The legislation states:

"a) All deposits to be made by the City of Pittsburgh of Federal and State Funds, except where provided by specific law or regulation shall be in a minority controlled financial institution.

b) Deposits of all monies by the City of Pittsburgh or all other funds shall be distributed to minority controlled financial institutions, but not to exceed their legal capacity." Which means throughout the United States.

"c) 'Minority Controlled' shall mean: Stockholders whose interest combined, equal a minimum of fifty-one percent (51%).

d) 'Minority' shall mean: A citizen of the United States of America who is not a member of the Caucasian race and is of Oriental, Asian, African, American Indian, Eskimo, Aleut, Puerto Rican, or Mexican American ancestry."

Now, I agree with my colleague, Councilman Robinson, that we should do everything we can to help the minority financial institutions in Pittsburgh, but I don't think this bill is the right way to go about it.

One more comment on what Mr. Flaherty said. He said that he can see no compelling reason not to override the Mayor's veto. Well, let me give him one. In 1982, the City of Pittsburgh made \$12,498,854.21 on interest on taxpayers' dollars deposited in our financial institutions. That's \$12 million that we don't have to put the additional burden of taxes on the residents of the City of Pittsburgh. I think it's very important that the Treasurer and this Council do what we can to help the minority institutions in Pittsburgh. But I

also feel that we owe it to the taxpayers, who are already overburdened, to get the highest rate of dollars so we can keep those taxes lower.

Mr. Stone:

Call the question.

The Chair:

Question called for. Aye to override the veto and nay to sustain it. Roll call vote.

Mr. Flaherty:

I vote aye and I would just want to add that this will be the last opportunity this year that Council will have the opportunity, as some of us have said, to do all that we can. If we vote to uphold the veto, this measure cannot be brought up again for another year. I think this is a pressing problem and I think we should go with what we have even if it does have some infirmities, but at least we will have it through the entry gate and I'm sure that this Council is prudent enough, that the Mayor is prudent enough, that we will be able to work out any kinks that may develop.

Mr. Given:

I vote no and, in reading all the opinions from our Law Department and that of the feelings of the Mayor, so indicate that we cannot do this legally.

Michelle Madoff:

May I point out that as we sit here there are over \$51 million sitting in the bank drawing eight and a quarter percent interest in our capital monies that we borrowed that we paid eleven percent for. I think that's interesting when we're talking about this issue.

I think that I'm going to vote to override simply because we can amend it to make it more palatable and as Councilman Flaherty said, at least we have opened the door and we cannot do it the rest of this year, we can amend it to make it so at least some monies, at least our moral responsibility to the minority community has kept faith with what we promised.

Mrs. Masloff:

We're a nation of laws. It's illegal and I vote no.

Mr. O'Malley:

I vote no, and I would like to say I hope Councilman Robinson would come back with a bill we can all support.

Mr. Robinson:

I'm going to vote aye and I will come back with a bill. Whether or not it will be supported will be up to the members of this Council, but I certainly will continue to encourage this Council to pass some type of legislation that will help make real this City's commitment to minority business development.

In explaining my vote, I'd just like to make a couple other comments that I did not make before. I think the suggestion that the City Treasurer or other responsible officials in this City are not going to use their best discretion in depositing the funds of the City of Pittsburgh is, at best, ridiculous. I don't think anyone on this Council or anyone in this City should be led to believe that our Treasurer and other financial people are not attempting to make the best investments and certainly this bill, in no way, restricts them from making the best investments for the City of Pittsburgh.

I also think that if we are sincere and serious about this issue, that we will at least look at the facts, the facts that we as a City, have on hand, and those facts will indicate that we do not have in any minority financial institution in the City of Pittsburgh, the maximum amount of money that they could handle from a City deposit. That is a fact. I think we ought to recognize that. The statistics over the last five or five and a half years will show that our deposits are less than one percent. And even if we take into consideration the capacity of those institutions, we have done little or nothing to encourage deposits in those institutions and I think that all we need do is look at the activities of our Boards and Authorities to substantiate that.

Also, in terms of public policy, I think for at least five years in the City it has been the public policy to make sure that we are operating in such a fashion that we spread our resources among all the segments of the community. Certainly the minority community does represent a portion of this City and is entitled, along with other groups in this City, to participate in the Renaissance, in Renaissance II, and is entitled to have some expectations that the largess of this City will be shared with them and certainly shared in terms of City deposits being put in minority institutions. I am not oblivious to the fact that there are other institutions in this community that might be considered minority institutions and I think Mr. Stone, on several occasions, has eluded to the fact that where possible we need to make sure that all of our small institutions in this City share in our deposits. The records will reflect that we have not been too diligent in that regard and I would hope that Council would give some serious consideration to doing that in the future.

A comment was made relative to

the fact that seventy-five percent of the business that the City conducts is outside the City. I think that in terms of where we bank that we do have to depend upon the expertise of the people who handle our finances. If our Treasurer and other responsible parties decide that they want to put the City of Pittsburgh's money in Chicago, and that in Chicago we can achieve our public policy objectives, then I would support that. I don't believe that the only objective of the City of Pittsburgh, from a financial standpoint, is to make money. We are not a private corporation; we are a public corporation. And we have a public purpose to serve. While I recognize that all do not share my commitment, and I'm not suggesting anyone here is in this category, I'm sure that all do not share my commitment to make sure that this City's minority population shares in the profits of this public corporation. But I assure you that they are entitled and I assure you that your returns will be substantial if indeed we make the commitment to put money in financial institutions, minority institutions, up to their limit.

One last comment about federal funds. It seems to me that the Federal Government, both during the Carter Administration and the Reagan Administration, has made it rather clear that they would like to see substantial portions of their monies placed in minority financial institutions. Not to move in that direction, I think the City of Pittsburgh is showing a callous disregard, not just for its minority population, but for the stated policy objectives of the Federal Government in terms of their money.

We're not simply here talking about banking laws or whether or not the City Solicitor is right or wrong. I think we're talking about a public policy issue and that public policy issue is whether or

not the minority community in the City of Pittsburgh is going to substantially participate in the operation of the City and substantially participate in the benefits and the dividends of this public corporation which we call the City of Pittsburgh. I would hope that as my colleagues consider that policy in the future, that they will consider all legislation that comes before them relative to the minority community in that spirit.

Just one other comment. I would be remiss if I did not say that the Administration, over the last two months, has vetoed every bill that has been submitted to this Council that deals with minority business participation, which deals with minority employment, which deals with living out our commitment to minorities in the City. Every single bill has been vetoed. Every single bill has received a negative opinion from our Solicitor. I do not believe it's in the best interest of the City of Pittsburgh to continue to move in that direction.

Again, I extend my hand of cooperation to the Administration to sit and try to reason some of these matters. And I would hope that members of this Council would join me in that effort.

Mr. Stone:

Mr. President, in fairness to everybody to here in these Council Chambers, I don't think there's anyone that's opposed to seeing that monies go into minority institutions. But, last week I expressed some concerns of some of the amendments to the bill which was that we fund no lower than capacity. I thought then that it was illegal and I told Mr. Robinson that I think the bill, even though I was supportive, may find some legal difficulties. In this connection, I'd

like to clear up some of the comments that were made here today. First, one on each side of the so-called discussion, there's been some indication it's one percent of our monies but that alone would not be a fair comment because there is a legal capacity that each of our minority institutions can hold — all institutions have a capacity and I think that's forty percent of their assets. But at any rate, the capacities here, as I now understand them, Dwelling House is about \$266,000 and New World Bank that was once represented is \$4 million. It's my understanding it's \$400,000 and I'm not giving a fixation in figures. But nevertheless, there is a capacity and even if we were to take some percentage of the whole City, it could not be given and it would be wrong not to clear that issue up.

On the other hand, I'd just like to make what I consider a fair remark. Relative to Dwelling House and New World Bank, any monies going into those two institutions and the way they operate is like a conduit, into others, they're helping some people in those areas that no other lending institution even wants to go into. So, they are serving a need to the City of Pittsburgh and I would not like that to pass without notice and mention.

Relative to monies going into the New World Bank, for instance, I have been one of the first who made the move to put some monies into that bank. It is true there has been some slippage other than what monies we had wanted to be there. It is also true, and one should not lose sight of that, that these institutions cannot take the in and out that happens every day. They need to have the long-term monies and sometimes that thwarts the ability to fund more than has already been done.

Do we want to help the minority

institutions? We obviously do and I don't think there's any question of that. But what's being asked here now is to do an illegal act and I think that is wrong. I think we should continue to help where we can but to go in the face of a legal opinion that tells you no and for Legislators to say, "It's illegal but let's take a chance anyhow" seems to me should come from anybody but a Legislator.

I said time and time again that I will not override a legal opinion. I thought that it had some problems last week even before the City Solicitor made an opinion and he's now ruled on it by doing more legal investigation and research than I. And I say to do this and override it in the face of a legal opinion that says you can't is to pretend to give. And I don't want to be a pretender. If I'm going to give, I'm going to give. And I think to give nothing, to do something that's illegal, is really giving nothing and I'll not be part and parcel of that.

My vote is no and I'd like all of the remarks that I've made relative to this subject in the last couple of weeks brought forward.

(BEGINNING - MR. STONE'S REMARKS ON BILL NO. 2679)

Mr. Stone:

On Dwelling House, they could get up to \$266,000. They have \$100,000 now which means the maximum they could get would be -- am I reading \$100,000 or \$160,000 -- \$166,000, that would be the maximum they could get.

If you're talking about rates competitive to what we have, fine. Let me say this to you. There is no question as far as New World Bank and Dwelling House is concerned. From the time I

have been on this Council and since I have been Finance Chairman, it has always been my belief that those two institutions should be receiving funds for two reasons. Number one, they need it to get going, and it's an added business. Secondly, because where Dwelling House is located, they're serving a need that needs some attention. So, it's in our best interest instead of subsidizing houses at \$40,000 per house, that we funnel money into Dwelling House which is in the area of low and moderate and even hardcore possibilities of development. We ought to be helping them.

The other question is, number one, their capacity as to how much money they could take, that was restricted by law. The third one is how much we can do when there is no competitiveness attached to it.

With what you have here, I think you are creating a problem, and I would like if you would hold it to see what we can do with it, as far as I'm personally concerned. Since I had a meeting, if you will recall, I reported that to Council, and as of now, it's my understanding there are monies in New World Bank since that meeting, is that correct? How much now?

MICHELLE MADOFF COMMENTS

MR. ROBINSON COMMENTS

Mr. Stone:

Bill, the only problem is you are oversimplifying it, and I'm telling you, you have to watch it. These smaller institutions, if you want to play games with them, you give them short-term money and they can't use it because for them, the advantage -- and I have met with their boards and talked to Dwelling House. What they need from us is the monies that is going to lay for a while so

that when they get into something, there is a larger possibility of getting interest. The in and out, the paperwork and problems, they are not equipped to handle that kind of thing. So, it needs a kind of funding.

Secondly, with the CD before we got money, now we are getting letters of credit which has frustrated some of that ability. It's saying 30 percent and those that we have cannot possibly reach \$70 million. The maximum, as I see it, is now \$2,266,000.

MR. ROBINSON COMMENTS

Mr. Stone:

What you're doing is where I'm finding the problem. I'm not adverse to funding the minority institutions in this City. Let's have that very clear. And I have been active in my full time in Council even when New World was in more struggling days on Fifth Avenue. As far as this particular ordinance is concerned, what you are building into is a conflict that can't be resolved. You're saying 30 percent has to go into minority institutions in this City. First of all, they can't take more than \$2,266,000 and second, do they want to take them and they didn't bid which is another problem. I think the thing is a little more involved and no one has the ability to get less than competitive interest unless it's done here on some legal fashion, and I'm trying to help it with my

MR. ROBINSON COMMENTS

Mr. Stone:

Mr. Robinson, I can just see you now if we pass it in its present form saying, "The law says because right here it says 30 percent." And we can't reach 30 percent now. I'm not going to build

into that contradiction. I want to help it.

MR. ROBINSON COMMENTS

Mr. Stone:

You can't go any further than their capability. If you want to say under the limits of the bank's capability, fine.

MR. ROBINSON COMMENTS

Mr. Stone:

If you're saying that you want to give it up to the capacity of the bank's ability to receive funds, which is practical, logical and legal, then I'm willing to go with that. If you're saying 30 percent, which is absurdity, I'm not going to join in it.

MR. ROBINSON COMMENTS

Mr. Stone:

We can't go 30 percent because they can't receive 30 percent, and if we pass an ordinance that says 30 percent, I'm going to have you back saying, "The law says here -- there is an ordinance that says 30 -- I want to know where the 30 is".

MR. ROBINSON COMMENTS

Mr. Stone:

Right now, the City of Pittsburgh's two institutions that we have in question cannot pick up \$70 million.

MR. ROBINSON COMMENTS

Mr. Stone:

Dwelling House can go to

\$266,000. New World Bank is, from Mr. Robinson's figure, \$2 million.

MICHELLE MADOFF COMMENTS

Mr. Stone:

If I gather what Mr. Schillo has said, he's going to be reaching that in short order.

MR. ROBINSON COMMENTS

Mr. Stone:

Wait Mr. Robinson. He brings a point. If the Leasing Authority puts money in and we put money in, is that -- do those two make up part of the 40 percent maximum we can go?

MR. SCHILLO COMMENTS

Mr. Stone:

Hold on one second. As far as the next two pay periods, there is a million and a million, so we're going to reach that, right?

MR. SCHILLO COMMENTS

Mr. Stone:

Steve, get the documentation for her.

MR. GIVENS COMMENTS

Mr. Stone:

I don't see that as a problem, and in fairness, I don't think we have that in --

MR. GIVENS COMMENTS

Mr. Stone:

Let me make this comment so it's

also clear. In fairness to Dwelling House and New World, they are not paying us half the ordinary interest. They are paying close to what it is. It's just that that rate is much higher because the others are larger and able to manipulate their money much better. In fairness, it's not a charity situation. I don't want to go that far with it. It is an assist operation and that is why I try to say it's more complicated. If they get the short money, they can't maneuver it. They don't get the best advantage out of what they're doing. If it's large money that they have within their possession, it's a one shot in and one shot out and during that time, it's a matter of collecting interest without the added burden, and that is why you help them meaningfully.

(END - MR. STONE'S REMARKS ON BILL NO. 2679)

Mr. Woods:

I vote no because the bill can be reintroduced or a similar bill in a short period of eight months when some of these legal problems can be worked out and I think that they can be and it will give us more time to look at what the City is doing this year since this legislation has been introduced and I will support it when these legal problems are worked out in January if the sponsor so introduces it again.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

Mr. Robinson

AYES 3

NOES 6

VOTING NO:

Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2851

Report of the Committee on Finance for April 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2767

A Resolution entitled, "Resolution providing for the issuance of a \$1,068.79 warrant in favor of Donald L. Meyer in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2768

A Resolution entitled, "Resolution providing for the issuance of a warrant to Mary Kolesar and Leo Kolesar, c/o

Arthur M. Lebovitz, Esq., 700 Manor Building, Pittsburgh, PA 15219, in the amount of \$1,500.00 in full settlement of claim for personal injury, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2769

A Resolution entitled, "Resolution providing for the issuance of a \$978.49 warrant in favor of Lapcevic Carpet and Draperies in settlement of claim for vehicle damage, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2795

A Resolution entitled, "Resolution transferring to the Emergency Medical Services Communications Project Trust Fund the aggregate sum of \$175,375.00 from various code accounts."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 2852

Report of the Committee on Public Works for April 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2706

A Resolution entitled, "Resolution providing for a contract or contracts, or

use of existing contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for street lighting in the City of Pittsburgh; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2745

A Resolution entitled, "Resolution repealing Resolution No. 864, approved August 24, 1981, effective August 31, 1981, entitled 'Providing for a contract or contracts for repaving and widening of Warrington Avenue from Boggs Avenue to Arlington Avenue including necessary work on private property, necessary waterline work and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 2746

A Resolution entitled, "Resolution providing for a contract or contracts for the reconstruction of Warrington Avenue from Haberman Street to Arlington Avenue, including necessary work on private property, necessary waterline work, and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2747

A Resolution entitled, "Resolution providing for a contract or contracts for the rehabilitation and/or replacement of pumping stations at various locations in the City of Pittsburgh, including electrical and piping work, necessary work on private property, and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2748

A Resolution entitled, "Resolution providing for an agreement or agreements with Frank Moolin and Associates for Engineering Services in connection with the In-Depth Inspection of the 28th Street Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2749

A Resolution entitled, "Resolution providing for an agreement or agreements with Fayette Engineering Company for Engineering Services in connection with the In-Depth of the Heths Run and Meadow Street Bridges; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2853

Report of the Committee on Supplies for April 6, 1983 transmitting one resolution to Council.

Which read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2796

A Resolution entitled, "Resolution providing for the letting of a contract or contracts, or for the use of existing contracts, for the furnishing, delivery and installation of Frequency Modulated Radio Equipment for the Department of Emergency Medical Services and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 2854

Report of the Committee on Parks and Recreation for April 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2752

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the Pennsylvania Commonwealth, Department of Education for a grant in connection with the SPECIAL SUMMER FOOD SERVICE PROGRAM PROJECT; providing for the execution of Grant Contracts and for the filing of requisitions and other data; approving the Project; providing for required assurances; providing for execution of payment vouchers or Letter of Credit and for certification of authorized

signatures, and providing for the deposit of the funds in Special Summer Food Service Program account."

Which was read.

Also,

Bill No. 2753

A Resolution entitled, "Resolution amending Resolution 243 effective April 11, 1980 entitled, 'Providing for an agreement or agreements for professional services in connection with the design of South Side Park and providing for the payment of the cost thereof,' by decreasing the amount provided."

Which was read.

Also,

Bill No. 2754

A Resolution entitled, "Resolution providing for the letting of a contract or contracts; or for the use of existing contracts for the furnishing and delivery of Assorted African Waterfowl for the Department of Parks and Recreation; and for payment thereof."

Which was read.

Also,

Bill No. 2755

A Resolution entitled, "Resolution providing for authorization to enter into an agreement or agreements for personal services in conjunction with the 1983 Festival, Senior Citizens, Special Events, and Concert Programs for the costs thereof, aggregate amount not to exceed \$19,318.00; \$5,318.00 from Code Account 1843, Senior Citizens Program; \$2,000.00 from Code Account 1837, City

Wide Events; and \$12,000.00 from Code Account 1833, Concerts."

Which was read.

Also,

Bill No. 2756

A Resolution entitled, "Resolution providing for authorization to enter into an agreement or agreements with various contractors for services in conjunction with the 1983 Visual and Performing Arts Program and providing for the payment of the cost which is not to exceed Forty-Two Thousand Five Hundred (\$42,500.00) Dollars and is chargeable to and payable from Code Account 1838, Recreational Activities, Miscellaneous Services, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2757

A Resolution entitled, "Resolution providing for an agreement or agreements with C. Richard Hays and Associates, for professional services to provide artwork for the Fowler Pool and Playground Renovation and providing for the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2855

Report of the Committee on Public Safety for April 6, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2761

A Resolution entitled, "Resolution providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. O'Malley

Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I have two issues that I would like to bring before Council, and I would respectfully request that you give me the same courtesy that you extend to other members before you rule them out of order.

Since it is the consensus of this Council and of the Law Department, Dan Pellegrini, that Council, according to the Home Rule Charter, they only respond to the budget after presentation by the Mayor, and since the budget is not prepared until after the election that's in November, I therefore move that the Council recommend that the Mayor in preparing the 1984 Budget amend the 1984 Budget so that annual salary of the City of Pittsburgh's Personnel Appeals Board be changed from \$8,710 plus fringe benefits such as medical, and dental coverage, eye care, and life insurance to only a \$100 per diem for each case heard, furthermore, that no consideration be given to a pension for this board. I find it appalling that Dr. Martin Krause, Chairman of the 14th Ward, Democratic party would deem to rip-off the City taxpayers in these times of horrendous unemployment.

Mr. Givens:

Mr. President, I think that's out of

order.

Michelle Madoff:

That's my editorial comment. The issue before us is that we ask the Mayor in preparing the 1984 Budget to please amend the budget, not to have an \$8,700 salary to people not working, and do it as a \$100 a day per diem. That is legal, since we cannot address the budget until after it's prepared, so I'm asking the Mayor be asked to prepare it in that manner. Do I have a second?

The Chair:

You're doing this as a recommendation to the Mayor?

Michelle Madoff:

As a recommendation, do I have a second?

Mr. O'Malley:

I second the motion.

Mr. Robinson:

I'd like to comment. I think that what Mrs. Madoff has suggested speaks to the whole notion that the budget process probably should be changed, but taking into consideration the Administration's prerogative and indeed mandate to prepare for the citizens of this City some sort of budget, I think that if the Mayor and his staff deem it appropriate to continue the Appeals Board and to continue to pursue the pension aspect for the members of that board, then I think that he ought to do that and do it with full knowledge that at least some members of Council are concerned about that.

I think also Council should not lose sight of the fact that is the Council

of the City of Pittsburgh which indeed produces the budget each year. It is the Council of the City of Pittsburgh that determines what our revenue will be and what our expenditures will be, and I don't think that it's appropriate at this time to suggest that we want to step on any of the Mayor's prerogatives. I think we ought to have enough sense of responsibility that at the appropriate time we make it publicly known what we think about the Appeals Board, what we think about the pension issue, just as we do each year.

In lieu of asking the Mayor to do anything, I think it would be appropriate for this Council to initiate its budget process as early as possible. There's nothing in the Charter that prohibits us from initiating a budget process which will allow us to get the facts and figures we need so that we can begin to put together the budget that we want and then, if need be, respond to those suggestions that the Mayor has made. I just think that the particular motion is not going to garner the kind of response we're looking for, and I think we are perhaps not accepting our full responsibility as the legislators of the City and the people who make the budget. If this Council doesn't want the Appeals Board, then I think this Council ought to come forth and say we don't want it. I think if this Council wants to change the way it functions, we ought to come forward and say that, and if we don't believe that any member of that Appeals Board should have a pension, we ought come forth and say that, and we ought to do that within the context of our own budget process, and not ask of the Mayor. I don't think that the Mayor will respond at all if we pass this motion. In the past he has not responded to our motions. I think the Mayor is quite aware of his prerogatives, and I think he exercises them to the limit.

The Chair:

If I may, in regards to the pensions, Mr. Robinson, one of the Appeals Board members asked what their status was, and upon a ruling from the Solicitor of the Pension Board, it was stated that an employee must put in 250 working days to qualify for a pension, and I merely said to him at that rate you're going to eliminate quite a few people in the City of Pittsburgh besides the Appeals Board, in fact, just about everybody in the City of Pittsburgh, and that was the only ruling I've been given. That was the only comment that I made.

Mr. Woods:

I totally agree with Councilman Robinson. I don't think we should suggest to the Mayor what he wants to pay anybody or what positions he should appoint. If we want to do this as Council, at budget hearings, then that's when we should do it. We have all our opportunities to raise people's salaries or decrease them, and that's when it should be done.

Mr. Givens:

On this particular subject, is there going to be a vote? I had a question on another subject matter.

Michelle Madoff:

I would just like to point out that as head of the Water Committee for the City of Pittsburgh —

The Chair:

Wait a while. Do we have a recommendation? A vote was called for. Now you're on to another subject.

Michelle Madoff:

I'm responding to the statements made on my bill, on my motion, and what I'm saying, Mr. President, is that in previous years, may I remind Councilman Robinson that I agree with him completely that we ought to be having our own budgetary process as a Council; but there are only three of us, perhaps, or four at the most, who would agree with that, and since we don't have a majority nor a fiscal advisor, it's not a reality; and when I introduced the bill originally, I was voted out of order, because it was an inappropriate bill; but as Chairwoman of the Water Committee, I have repeatedly introduced bills early enough in the year, and I was told they were too early. When I came back during the budget time, I was told it was too late. All I'm doing now, Mr. Robinson, is to say — and I understand, incidentally, from informed sources that the Mayor agrees, and he at one point has suggested a per diem, and another Council had overruled him, that we're just saying in your preparation of the budget, since it has been pointed out that that committee only works maybe one hearing a year, over \$8,000 is inappropriate, and that would you please consider it. I don't think that's out of order.

Mr. Woods:

Mr. Chairman, I have a question for Michelle Madoff. You say that the Mayor told you he agrees with this idea?

Michelle Madoff:

No, I said that I've heard that in previous budgets before I got here that —

Mr. Woods:

I want to put you on a dime. Did the Mayor say this? And if he did, please tell us who he said it to, because I want

to find out. I mean, everyone says the Mayor this or this person on that Council. I want to know, did the Mayor say this, yes or no?

Michelle Madoff:

You asked me a question. I'll be happy to answer it. I have heard from informed sources that prior to my getting to Council and your getting to Council and a lot of other people, that this issue had come up some time ago, and the Mayor did indeed, and I have to go back and check on that time, suggest a per diem; and it was the Council that had changed it, and that he is not adverse to a per diem. I am only suggesting that the Mayor look at it and perhaps make it a per diem instead. I'm not telling him what to do. I'm only saying that perhaps it is the wish of this Council that we give our taxpayers who are calling my office and I'm sure calling other offices very upset in this time of unemployment, giving somebody \$8,000 a year for doing one day's work; and I was just making it as a recommendation. If members of Council don't want to recommend that to the Mayor, that is their prerogative.

Mr. Woods:

That's not the point I'm trying to make.

Michelle Madoff:

That is the point.

The Chair:

Maybe I can clear the air, Mr. Woods. To the best of my knowledge, that conversation never took place, because I was here, but the Mayor did not want to appoint a member to that board. Due to the fact that the Home Rule Charter mandated it, he then did,

but he delayed it as long as he could. It never was discussed, to the best of my knowledge, in regards to what they would be paid or how they would be paid.

Mr. Woods:

In other words, the Mayor never said that he agreed, to your knowledge or to anybody else's knowledge, because no one can name a name.

The Chair:

To pay them per diem?

Michelle Madoff:

And I never said that he did. I said that I had heard that he was of that mind.

Mr. Woods:

You heard. Who did you hear it from?

Michelle Madoff:

Do you tell me everything you hear, Mr. Woods, from everybody in here? Do you share any information with this Council?

Mr. O'Malley:

I'd just like to clarify my second on Mrs. Madoff's motion. I'd just like to say that, one, I feel that we do need an Appeals Board, and that I certainly support an Appeals Board. In this time of fiscal restraints, and we're trying to best utilize the expenditures of the taxpayers dollar, I feel a \$100 a day per diem is certainly adequate. That is why I seconded Mrs. Madoff's motion.

Michelle Madoff:

It's only a recommendation. It is

not binding. It is only asking the Mayor to consider the wishes of this Council. We don't have to agree that we should change it to \$100. All you're doing right now is saying, do you want Marty Krause and Company to get \$8,700 and all the benefits, or you want him to get \$100 per diem, and you're only making it as a recommendation to the Mayor when he promulgates the 1984 Budget. What is the will of this Council? I call the vote.

The Chair:

I think it's sort of unfair to say somebody's ripping off the Appeals Board in regards to Marty Krause --

Michelle Madoff:

I said that was an editorial comment. We're just asking the Mayor to --

The Chair:

Maybe you should say that the Home Rule Charter ripped us off.

Michelle Madoff:

Maybe you're right, Mr. President. I'm just saying that it is a recommendation when the Mayor promulgates a budget, because we can't address it until it's promulgated. Unfortunately, Mr. Robinson, under the Home Rule Charter, we can't do it. I was voted out of order last time.

The Chair:

You have a motion and a second on a recommendation. Roll call vote.

Mr. Flaherty:

I am opposed, and the reason why that I am opposed is, even though I agree with the intent of the motion that if not

the Mayor, then I think certainly Council should ask the pertinent questions at the proper time as to what are the duties of the Personnel and Appeals Board and how consuming those responsibilities are. I believe that the Mayor is aware of some of the criticisms that are being flung at the Board, but I don't think that it is proper for this Council to become involved in what I sense is becoming a question of politics going into a primary. We are all aware that there is a Ward Chairman involved. In fact, there's three politicians, I believe, that are on the Personnel and Appeals Board. I think the appropriate time to question their responsibilities is when the issue is in front of Council, and I would just want to add that I, for one, and perhaps I should know, but I don't know what the modus operandi of the Personnel and Appeals Board is, nor do I know the number of hours that those individuals do put in, and I think that probably most of us on Council are not accurately aware, since we have not had anyone from that Board appear in front of Council; so I, for one, am going to refrain from shooting my arrows until those members of the Board have their fair and legitimate right to appear in front of this Council and tell their side of the story.

Mr. Givens:

Mr. President, some people within this Council feel like we need a total individual financial staff in order to make up our own budgets. I would submit if we look at the Mayor's budget, and we have a strong-mayor form of government, that we're talking about some \$1 million, about \$500,000, to try to compete and bring up our own budget. That is an on-going process and one that's a very strenuous one requiring a tremendous amount of personnel. I don't think we're in that business in this Council to do that, although this Council

must look over the Mayor's budget and approve or disapprove, and the Mayor has then the right to veto it. I don't think this is the time and the place if we start writing letters, memos, to the Mayor on everything that we want him to do on the particular next year's budget. I think we're going to be doing nothing but letter-writing to the Mayor, so for that reason and to keep it — the fact is that we've been blessed in this particular Administration for only having about six or seven cases come before this Appeals Board. I have been here long enough on this Council, eight some years, wherein I know of many cases have then appealed to this particular Appeals Board or before it was created. I'd like also to say, Mr. President, that I was the author of that particular bill, because the Home Rule Charter so demanded it. My vote is no.

Michelle Madoff:

All I can say, if there are only six or seven cases and we paid over \$100,000, that's been very costly, and may I point out to my esteemed colleagues, who I have great esteem for, Councilman Flaherty, that we don't start addressing the budget until after the election in November which leaves us less than nine weeks, which I think is a horrendous way. As Councilman Robinson has pointed out, we need more time. We get into situations where we vote on things like Warner Cable with enough information that would fill this whole room from floor to ceiling in addition to all the multitude of the litany of other issues that we have to address, and no human person can address all those issues unless you start earlier, and that's why I'm addressing it earlier, and I vote aye.

Mrs. Masloff:

I abstain.

Mr. O'Malley:

I'd also like to make a comment on my esteemed colleague's dissertations, who I almost constantly and totally disagree with, about this Council should not become involved. I always thought it was the business of the City Council of the City of Pittsburgh to become involved, since we vote and we appropriate all funds and we vote on the entire City payroll and the employees. I also think it's ridiculous that we pay over \$8,000 a year for a Board that meets once a month; and also, when my colleague said that this Council was not informed, I would prefer for him to speak for himself. I vote aye.

Mr. Robinson:

I'm going to vote aye, but I'd like to qualify that by saying that I think the direction of the motion is most appropriate to address budgetary matters and to attempt to have some influence on the budget that is prepared by the Administration. With all due respect to Mrs. Madoff, I don't think it is fair to the person indicated in the communique that she gave us to present their name today and to suggest that perhaps some action on their part has not been proper. I think Mr. Flaherty is correct in that regard that we need to at least hear from the Appeals Board, which we have never heard from, to get some perspective on what they do and who those members are. That is not to say that what Mrs. Madoff has suggested is not true. It's simply to say that I don't think that this perhaps is the appropriate way to present it. In its present form the motion, the motion in its present form, I cannot support it, and I will vote no.

Michelle Madoff:

You just voted yes, and you changed your vote and voted no.

Mr. Robinson:

I'm sorry. I'm sorry. I will vote yes.

Mr. Woods:

I vote no for the reasons I stated before. It's a budgetary matter, and that's when it should be brought up, and we should not try to throw the monkey on the Mayor's back. If we want to change it, we can so do it; and I also resent the fact, instead of saying the Appeals Board, they keep bringing up the individual's name, one individual's name, and there are other members on that board. They keep taking a shot at one individual, and he had nothing to do with creating that Board or his salary —

Michelle Madoff:

But he's been on the phone every minute.

Mr. Woods:

Would you let me speak, please? — or his salary, and I think it's a cheap shot to keep doing that. I vote no.

Mr. Robinson:

Mr. Chairman, my vote should be recorded as no. I am not supporting the motion.

Michelle Madoff:

Mr. Robinson, he has been on the phone calling everybody.

Mr. Robinson:

He hasn't called me.

Michelle Madoff:

He called the Mayor.

The Chair:

No.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff
Mr. O'Malley

AYES 2 NOES 5

VOTING NO:

Mr. Flaherty Mr. Woods
Mr. Givens Mr. DePasquale
Mr. Robinson (Pres't)

MRS. MASLOFF ABSTAINING

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

I have one other item. I would like to call to the attention of this esteemed body, and I would respectfully request support that Council introduce a motion, or that I introduce a motion, you support it, requesting the release to Council and the public of the \$50,000 municipal study done at the request of Mayor Caliguiri by the Economy League. The Economy League study was completed in December of 1982.

According to Emery Sedlak of the Economy League, the study was paid for

by voluntary contributions of local corporations and foundations. It is interesting to note that Mr. Jim Turner, now of the City in the capacity of Assistant Director, Budget and Research, was the project director of the Economy League for this study and was hired by the City two months later in February of 1983.

This report came to my attention because the Allegheny Conference has been attempting to obtain a copy and has been unable to do so to-date. The study, according to knowledgeable sources who have been privy to the study, shows the fiscal situation in Pittsburgh to be in serious straits, and the projection of revenue for upcoming years without a suburban commuter tax is frightening.

My understanding is the study further shows that the regressive taxes, Merchantile and Business Privilege Taxes, paid on gross and paid whether a company makes a profit or not, are encouraging many businesses to locate elsewhere. It is vital to this Council that the study be made available today, since Pittsburgh is confronted with an unemployment rate of over 16 percent, an \$800 million debt service, and they need to repair our infrastructure, which will put additional millions of dollars of burden on our already overburdened City taxpayers.

There are those who would say that we're no worse off than any other northeastern city. Untrue. No other city has 129 spokes feeding off the hub. In an article printed in the Los Angeles Times, dated Thursday, March 24, 1983, and it's about a half or three-quarters of a page, the title is "Official Fights Pittsburgh's Money Woes." Ronald Schmeiser, the article was on me, incidentally, but Ronald Schmeiser, Director of Finance, said, "Our costs are going up in the foreseeable future at the

rate of \$25 million a year. By 1985, we're going to need to raise tax rates, and our rates are just too high already. Pittsburgh residents pay more than other cities who live around here. This discourages people from living in the City. Young people say this, real estate agents hear it all the time; they won't live here because of the higher taxes."

Incidentally —

The Chair:

Michelle, if I may, what point are you trying to make?

Michelle Madoff:

May I finish? I'll be very brief. I want the report, but may I finish, please? I'll be very brief. I received a \$40 check from California trying to help fund the debt of the City of Pittsburgh. According to the figures supplied by the Administration of the Council meeting in 1982, it was anticipated that Renaissance II would generate an additional \$4.5 million. Allowing for a ripple effect, one could say an additional revenue might total \$10 million. However, because of the re-assessment by the County, we are now rebating \$10 million a year to City taxpayers and on the re-assessments, so, in effect, we have a wash. In essence, no additional revenue of any significance by Renaissance II. I want to know, these are the things that are in the report. I am appalled that the Administration has not released this report as yet, and since the Economy League is a non-profit organization, I believe their policy of not releasing a report of this magnitude to the public and to the legislative body — that's City Council — who must vote on fiscal matters, I believe, personally — I speak for myself — would mandate that they lose, that's the Economy League, lose their non-profit status, and I will

personally look into it. It is a sad commentary when even the Allegheny Conference cannot obtain a copy of this obviously important report.

I would request that Council do its own study for \$50,000, but unfortunately, as we all know, Council is not empowered to enter into any contracts. Furthermore, who are these mysterious, anonymous foundations and industries who paid for the Caliguiri study? Where are their names recorded?

Mr. Robinson:

Are you making a motion?

Michelle Madoff:

The motion is that we request the study.

Mr. Robinson:

I second the motion.

Mr. Givens:

Michelle, I know of the Pennsylvania League, and the individual you just mentioned conducted the study on the Urban Redevelopment Authority wherein that study was —

Michelle Madoff:

This is not that study.

Mr. Givens:

— you know, was released.

Michelle Madoff:

This is not released.

Mr. Givens:

Excuse me, I'm talking about the

Urban Redevelopment Authority, same units of government that you're talking about, the same individual, Mr. Turner, who had at the time come in and re-evaluated along with the Pennsylvania League all of the various functions of the Urban Redevelopment Authority. They have been implemented, they have been implemented. I don't know if maybe your facts and the fact that that particular study are mixed up or not.

Michelle Madoff:

No, I spoke to Mr. Sedlak, I spoke to the Allegheny Conference, I spoke to Mr. Turner, I've spoken to everyone. It has not been released. It was finished in the end of December. Mr. Turner, who headed the project, is now working for the City. I want that study.

Mr. Givens:

Then they must have had --

Michelle Madoff:

Good reason. I wonder what the good reason is.

Mr. Givens:

They must have had correlating studies being conducted at the same time.

Michelle Madoff:

No, the study has not been released.

The Chair:

What is the motion?

Michelle Madoff:

The motion is to ask that the Mayor release the study.

The Chair:

That the Mayor releases the study. Roll call vote.

Mr. Flaherty:

I'm going to support it, but I don't see why if someone would just call the Pennsylvania Economy League --

Michelle Madoff:

I did and they refused.

Mr. Flaherty:

They refused? Why?

Michelle Madoff:

On the basis that the study goes to the person who paid for it, and they said originally it was industry. I called and said, "It can't be. The Allegheny Conference doesn't have a copy." The secretary or the gal who works there went back and looked, came back in 20 minutes, kept me waiting 20 minutes, said, "Oh no, it's the Caliguiri study." I said, "Who paid for it? I didn't remember voting \$50,000 for a Caliguiri study." She said, "Oh, some private foundations and some industries did;" but I said, "The Conference can't get it." She said, "I'm sorry, I can't give you a copy." I said, "Who did it?" She said, "Mr. Turner." I said, "Is he in California? I'll call him." She said, "He's now working for the City."

Mr. Flaherty:

Okay, well, I change my vote. I change my vote, then, to no, because I can't consciously attempt to judge or decide on a study that seems to be shrouded in such amorphous circumstances. I don't know what study anyone is talking about.

Michelle Madoff:

You don't want to see the study?

Mr. Flaherty:

For all we know, this study may not even exist.

Michelle Madoff:

It exists.

Mr. Flaherty:

From the information I have heard and the bottom line, I also think that if someone paid for that study, then the Economy League should honor that contract that they have with that individual. The same is if you employ a firm to conduct a poll for you, you only want that firm to give you the results of that poll.

Michelle Madoff:

I think it goes beyond that.

Mr. Flaherty:

I think it's along the same line, and so I vote no.

Mr. Givens:

I would like to say if there is such a study, I'm sure the Mayor must not want to release until possibly they have a time to look at the impact. I can tell you now that the Urban Redevelopment Authority, the same group that Michelle mentions, when they made certain recommendations, that this Councilman did not agree as a board member on some factors that they had brought out; and I would think that this would be something if the Mayor has done this through the corporate community — and we've been encouraged to do this, to make the

corporate community, our universities and etc. involved in government and to streamline our government — I think it would probably appear again in the Mayor's 1984 Budget recommendation to this Council which we must then deliberate. However, I'm not going to ask him or force him at this particular time to give that over to us, because sometimes when you read a report, it doesn't really tell you everything behind the lines or behind the scenes. When I received my report, it took almost a good 30 days of my own time when I had time to look over that report and to study it. As soon as the Mayor can give us this report, I'd appreciate it, but I would at this time, I have not anything in writing other than what Michelle has so indicated verbally. As she indicated, some other people have indicated, please give us something in writing from these various departments, and if they say they were a part or a body of it, then I think that adds much more validity and strength to your position.

Michelle Madoff:

Michelle Madoff researched the information. There is a study. I spoke to Mr. Turner who works for the City. He admitted there is a study. Everybody has admitted there is a study. All I'm saying, that it was a municipal study done by the Mayor for \$50,000, this Council has to vote on fiscal matters and should see that study. If that study is being hidden, it's being hidden for devious reasons, and the public ought to know it, and I hope P.N.A. will request it.

Mr. Robinson:

I'm going to vote to support this request. I don't think that it's appropriate for us to challenge Mrs. Madoff's integrity in this matter. I don't think she'd have any reason to fabricate the existence of this study. Certainly,

the Mayor has his prerogatives to information that he pays for, and certainly his staff has the right to prepare material for him, and he has the right to contract for material; but I think we also have a right to make a legitimate request, particularly in the area of fiscal management, and so I am going to support this request, because the study obviously was geared towards making this City and keeping this City fiscally solvent.

The Chair:

Mr. Stone, if I may, Michelle Madoff has made a motion that a certain study exists that the Mayor has privy to and will not give Council that information. The motion is that the Mayor give us that information.

Mr. Stone:

I'm going to abstain.

Mr. Woods:

I vote no, because I don't know when this \$50,000 was spent.

Michelle Madoff:

For the record. I would like to make a prediction that that report will be forthcoming from the Mayor within the next week or so, simply because we've now flushed him out.

Mr. Woods:

Can I ask a question of Michelle Madoff?

Michelle Madoff:

Certainly.

Mr. Woods:

Michelle, when was the legislation passed that we authorized the \$3,000?

Michelle Madoff:

We didn't.

Mr. Woods:

You said it was public money. We used our money?

Michelle Madoff:

I didn't say that at all. You weren't listening. In my article, I'll give you a copy of my statement, it does not say that. I said the report cost \$50,000. When I asked the young woman, I didn't vote for the money, where did the money come from, she said foundations and private corporations paid for it. I said, "Who are they?" She said she couldn't tell me. I said, "What is the report called?" She said, "The Caliguiri Study," and the Allegheny Conference can't get a copy, and they're very upset.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff
Mr. Robinson

AYES 2

NOES 4

VOTING NO:

Mr. Flaherty
Mr. Givens

Mr. Woods
Mr. DePasquale

MR. STONE ABSTAINING

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Robinson

On another subject, if I might. I know members of Council are somewhat tired of hearing the story of CAP, but I'm here to bring you another chapter, a short one. This relates to those persons at Community Action Pittsburgh who are employees or former employees. I'm talking about maybe 150 people who are going to be displaced due to a number of situations that this Council is very much aware of.

My concern and the concern of those employees is that, while the City of Pittsburgh is making numerous efforts to put unemployed people to work and address the unemployment problem, the problem of employment opportunities for former CAP employees seems to have fallen through the cracks; and I would hope that this Council would play a leadership role in trying to identify the number of people at Community Action Pittsburgh who will be out of work or who are out of work, the number of persons who still have grievances, legitimate concerns that should be addressed by the Community Action Pittsburgh Board, and that we attempt to identify some resources that can be utilized to put these people to work and to use the same spirit, the same vigor that we have used to find employment opportunities and search for employment opportunities for others in the City. I think many of the people who work for CAP sort of feel that they have been forgotten in this regard, and I am presenting this matter to Council,

because everyone on this Council except Mr. Woods serves on the CAP Board, and certainly the unemployment problem there is as great if not more so than any other problem in the City.

Most of the individuals to be affected are females, heads of households, middle aged, and elderly people, some handicapped people, and not the least of which would be some minority people; and again, I would hope that Council would accept some responsibility to move aggressively to create an outplacement program to make sure that the people who were employed by Community Action Pittsburgh can find employment elsewhere in the City.

Mr. Givens:

Mr. President, this could carry on a little bit with what Bill has so indicated there, and I don't know if you've all received letters. There was Byrd Brown had the leadership of the Community Action Pittsburgh Board, and what you called it wasn't an executive session or anything. It was his responsibility as our legal counsel to tell the Board, the Community Action Pittsburgh, what their alternatives were. He has set up a meeting and I believe, Bill, for the 19th of April, and encouraging all of us to be there, because it is a fact that the Community Action Pittsburgh has been in existence for some years, 15, 16 years that these people have worked for a major corporation, and now all of sudden they're sitting out in the street wondering what is happening to them, so I can join them in that.

I have two other items, Mr. President, if I might very quickly.

Mr. Flaherty:

Wait. Is this in regard to CAP?

Mr. Givens:

Yes.

Mr. Flaherty:

Well, I also have something to say in regard to CAP, Councilman Givens. I also wish to add to what Councilman Robinson has said that there are also former and present CAP employees — if there are any present CAP employees; I don't know — that still have unsettled grievances and complaints against CAP, and from the way that I understand the law, I believe that the CAP Board has an obligation to settle those grievances.

I would just want to close in saying that CAP is going to have a very crucial meeting in Council Chambers on Wednesday evening at 7:00 p.m. I think that it's imperative that all members of Council that are on the Board of CAP please attend. I think we are all aware that CAP is through as an organization, but I think that we certainly owe some consideration and respect to the approximately 150 CAP employees that are in this real stage of flux, and I think it's only humane that we all make every effort that we possibly can to attend that very crucial meeting on Wednesday evening.

Mr. Givens:

Two points I have. One, there was a meeting of the citizens group, some 150, 200 people at the Auburn Towers this past week. One of their strong objections was a parklet that's very closely aligned to that particular area, and what I would call the East Liberty Boulevard that goes through that particular area is cut off at the parklet, thus not making its final connection at Frankstown, which would be a dead end. They want that opened up, and as a result, I would then ask for a post

agenda, Mike.

The Chair:

Excuse me. Didn't they petition for a hearing?

Mr. Givens:

No, I don't think. They might have in the past, Jeep, and yes, you're right. I think a couple of years back, one or two years back, they have done so. There were fights on both sides of the fence, but I think in order to — this, if you can recall, is where they had a very serious rape where the man was beaten up. There are no lights in park. It's kind of a serious situation.

The Chair:

Make a note, Mike, we'll have a post agenda.

Michelle Madoff:

I think I gave Mike Perry a petition for that.

Mr. Givens:

Excuse me, I'm not finished with the floor. In order to consolidate this, there are many departments that must be involved in it. The Planning Department, Mike, Department of Public Works that has something to do with the opening of the road, in the Department of Public Works the Traffic Division, the Lighting Division, and naturally, Sophie, because it is a park they must go through, the Parks and Recreation should also be there. That's subject number one.

Subject number two is the dangerous conditions we have on our hillsides and our roads today. As we all have known, over the weekend we had

one more road closed going up to Mount Washington Boulevard, and that is Sycamore Street. I then ask that the Chief Clerk send a letter to the Department of Public Works, to our Planning Department, and to PennDOT, which also handles federal roads, of all hillsides and, as they use in the language, outcroppings that are of a dangerous nature. Otherwise, Mike, what I'm looking for are dangerous situations that are in our existing highways that we have right now and that they could be identified and put on the map and given to this Council for future planning purposes, so we don't have any more of our pedestrians and people who use vehicles in this City and from out being dangerous. There's a lot of attention being drawn to this and for good reason. We've been probably in a half century in our lowest amount of waterfall, rain, for about a half century. This then opens up many cracks within the earth. Now, we have had an abundance of rainfall just recently. When you get those two combinations, the rain then penetrates deeper into the ground, loosening the foundations of many of these outcroppings and causing the landslides. Mike, I think I mentioned all the departments. Thank you. That's all I have, Mr. President.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, April 18, 1983

No. 16

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, April 18, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

I wonder if I can have Anne Pride of the Pittsburgh Action Against Rape and Carolyn Frank, Victims of Violent Crime, please come forward.

Michelle Madoff presents

Bill No. 2895 WHEREAS, violent crime has been rising nationally at a rate of five percent each year; and

WHEREAS, one out of every three families in the United States is affected because there is a violent crime committed every 24 seconds; and

WHEREAS, losses from crime costs this country over \$75 billion annually; and

WHEREAS, the innocent victims of crime are often ignored, and witnesses are often treated like evidence rather than people; and

WHEREAS, the injuries - financial, physical and psychological - leave many victims of crime devastated; and

WHEREAS, American traditions of compassion, dignity and justice mandate that all citizens of the United States, victims and accused alike, be treated with justice and respect; and

WHEREAS, heretofore such treatment has not been afforded to victims, witnesses and their loved ones or survivors;

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Council of the City of Pittsburgh do hereby proclaim the week of April 17-23, 1983 as:

"VICTIMS RIGHTS WEEK"

and urge all citizens and institutions, public and private, to support the establishment and enforcement of victim rights in Pittsburgh through participation in local and state activities commemorating those rights.

Michelle Madoff moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

I gives me great pride and honor to work together with two very activist women, and I wonder if you'd like to make a comment.

Anne Pride:

I'm Anne Pride from Pittsburgh Action Against Rape, and on behalf of Pittsburgh Action Against Rape, our staff, our Board of Directors, our volunteers, and the nearly 1,500 of our neighbors that we saw as victims who became our clients during last year, I want to thank you very much.

Carolyn Frank:

I'm Carolyn Frank from the Center for Victims of Violent Crime, and I too would like to express my thanks to the members of City Council for their interest in all of the victims of crime that we see at our agency, too, and for taking the time to recognize this week as "National Victims Week." Thank you.

Mr. Flaherty presented

No. 2856 An Ordinance deleting Section 201.10 of the Pittsburgh Code, REGISTRATION OF TENANTS, which

authorized all real property owners within the city or their agents to furnish to the Department of Finance a tenant registration form containing the names and addresses of all occupants of the property, and which required mortgage holders to forward these forms to owners.

Which was read and referred to the Committee on Finance.

Also,

No. 2857 Resolution providing for a Contract/s including the use of existing Contracts in connection with Energy Improvement at N.S. Public Safety Building at cost not to exceed \$70,000.00, chargeable to and payable as follows: \$54,000.00 from LB 82-13 (4-25-15-2080-82) and \$16,000.00 from LB 83-14 (4-25-15-0001-83), Department of Lands and Buildings.

Also,

No. 2858 Resolution providing for an Agreement/s for A/E Services in connection with renovations at various fire stations at a cost not to exceed \$25,000.00, chargeable to and payable from Capital Project LB 82-01 (4-25-01-1964-82) Renovations of Various Fire Stations, Department of Lands and Buildings.

Also,

No. 2859 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2860 Resolution amending Resolution No. 271, approved March 26, 1982, eff. April 2, 1982, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Frazier Street, Davis Avenue and Shadeland Avenue Bridges; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total allocation by \$13,200.00.

Also,

No. 2861 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for Ralph J. Kraszewski to attend a seminar on Sweeper Operations in Chicago, Illinois, April 18-19, 1983, at a cost not to exceed \$445.00, payable from Code Account No. 1502, Misc. Services. Prior approval granted.

Also,

No. 2862 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting permission for himself, Paul J. McDermott, John Valent, Richard Connors, Don Killmeyer, Paul Loy, John Perkun, John Weres, Joe Tumas, Dan Lockard and John McCloud to attend the National Bridge Conference in Pgh., PA, on June 1-3, 1983, at a cost not to exceed \$1,490.00, payable from Code Account No. 1502, Misc. Services, Director's Office - DPW. Prior approval granted.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2863 Resolution providing for the issuance of a warrant in favor of

Mario DePasquale, Inc., 4740 Wallingford Street, Pittsburgh, PA 15213 for water line relay on Vinceton Street, Wabana St. and Dornestic St., cost not to exceed \$78,634.30, chargeable to and payable from CBA No. WD-81-08 (4-05-15-0002-81) Department of Water. Prior approval granted by Council Bill No. 1988 (1982).

Which was read and referred to the Committee on Finance.

Also,

No. 2864 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with water line installation on the Bloomfield Bridge at a cost not to exceed \$65,000.00, chargeable to and payable from CBA WD-83-11, 4-05-20-1095-83, Department of Water.

Also,

No. 2865 Communication from Richard M. Cosentino, Director, Department of Water, requesting permission for himself to attend the American Water Works Association, Pennsylvania Section, 35th Annual Meeting, Champion, PA, May 1-4, 1983, at a cost not to exceed \$350.00, payable from Code Account No. 1701, Misc. Services, Administration Division, Dept. of Water. Permission to use city vehicle also requested.

Which were read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 2866 Resolution further amending Res. No. 1385, eff. December 31, 1980, as amended by No. 1221, eff. December 3, 1982, and Res. No. 7, eff. January 13, 1983 entitled, "Providing for the letting of a Contract or Contracts

for the construction of South Side Riverfront Park including demolition services therewith at a cost not to exceed \$800,000.00, \$775,000.00, chargeable to and payable from South Side Riverfront Park Trust Fund and \$25,000.00, chargeable to and payable from Project Code 4-10-10-1562-78-106-78-10 78CDPR, (PR78-10) South Side Riverfront Park in the Dept. of Parks and Recreation. (by reducing the amount provided)

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2867 An Ordinance amending the Pittsburgh Code, Title Eight, Chapter 803 Amendments, Section 803.1 Changes Specified, Article 6 Airports, Heliports and Helistops by amending F-600.1 Scope, F-600.5 requirements for Roof Top Facilities, F-600.6 requirements for Ground Level Facilities, F-600.7 conformance and size and F-600.8 record of frequency of use.

Also,

No. 2868 An Ordinance amending and supplementing the Pittsburgh Code, Title Ten, Building Code, Chapter 1003 Definitions, Section 1003.2 Specific Definitions by adding general definitions and the Letter "P"; Chapter 1009 Permits Certificates and Fees, Section 1009.15 Fees by increasing the categories and Fees; Chapter 1013 Board of Standards and Appeals, Section 1013.01 Appeal Procedure, Deposit; and Expenses by increasing such Fees; Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified, Article 6 Special Use and Occupancy Requirements by adding new sections: Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified, Article 9 Structural Loads and

Stresses by adding Section 911.3.2; Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified, Article 21, by amending to include Elevator, Dumbwaiter and Conveyor Equipment, Installation, Maintenance and Operation; Article 5, Article 6 and Article 14 of Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified by changing reference cites: Chapter 1043 Land Operation Control, Section 1043.28 Permit Fees by increasing the Categories and Fees.

Which were read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Also,

No. 2869 Resolution transferring the sum of \$9,900.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, Department of Police, to Code Account No. 1446-1, Investigations Expenses, Department of Police.

Which was read and referred to the Committee on Finance.

Mr. Robinson presented

No. 2870 An Ordinance changing the composition of Pittsburgh City Council pursuant to Home Rule Charter, City of Pittsburgh Article III, Section 302, that all members be elected by district.

Also,

No. 2871 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal,

Article Seven, Business related taxes, Chapter 241 Amusement Tax.

Which were read and referred to the Committee on Finance.

Also,

No. 2872 Resolution authorizing the URA of Pgh. to acquire that property in the 17th Ward of the City of Pgh. owned by Robert D. Benjamin and designated as Block and Lot: 12-N-224, in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified by the VPRC of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh.

Also,

No. 2873 Resolution authorizing the URA of Pgh. to acquire that property in the 30th Ward of the City of Pittsburgh owned by Samuel J. DeMarco and designated as Block and Lot: 14-L-195, in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2874 Resolution authorizing the URA of Pgh. to acquire that property in the 22nd Ward of the City of Pgh. owned by Edward M. Lersch and Milton V. Lersch and designated as Block and Lot: 23-K-210A in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2875 Resolution authorizing

the URA of Pgh. to acquire that property in the 11th and 18th Wards of the City of Pgh. owned by the City of Pgh. and designated as Block and Lots: 50-D-28, 15-L-233, 15-L-235 and 15-L-236 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2876 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Small Business Administration and designated as Block and Lot 50-G-148 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2877 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Elizabeth Hamilton and Thomas Hamilton and designated as Block and Lot 50-G-152 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2878 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Richard Sewell and Ledrianne Sewell and designated as Block and Lot

50-F-82 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2879 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Dennis R. Wacher and designated as Block and Lot 50-F-85 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2880 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Alvin L. Solomon and Robert M. Solomon and designated as Block and Lot 50-F-86 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 2881 Resolution authorizing the City of Pgh. to convey and the URA of Pgh. to acquire all the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd, 4th, 5th, 10th, 11th, 12th, 13th, 15th, 16th, 17th, 18th and 26th Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as the Block and Lot numbers mentioned herein.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2882 Resolution providing for the issuance of a warrant to Nora June Coyne, Administratrix of the Estate of James M. Burns, Sr. in the amount of \$22,500.00 in full settlement of claim for personal injury resulting in death of plaintiff.

Also,

No. 2883 Resolution providing for the issuance of a warrant to Michael Louik in the amount of \$2,900.00 in full settlement of claim for property damage, and providing for the payment thereof.

Also,

No. 2884 Resolution authorizing a warrant in the amount of \$1,925.75 to the Commonwealth of Pennsylvania representing final payment for unclaimed funds for the year 1974 pursuant to the provision of the Deposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74. Payable from Warrants Outstanding General Fund, Warrants Outstanding Water Fund, Warrants Outstanding Special Funds and Checks Outstanding Special Trust Fund No. 1.

Also,

No. 2885 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting permission for himself to attend the 1983 Annual Conference of the Municipal Finance Officers Association in Toronto, Ontario from June 11-15, 1983. Cost not to exceed \$1,300.00, including a registration fee, chargeable to and

payable from Code Account 1048, Misc. Services.

Also,

No. 2886 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting interim approval for the purchase of additional City and School District of Pittsburgh Individual Earned Income Tax Return Forms and Instruction Booklet for year 1982, at a cost not to exceed \$6,220.48, payable from Code Account No. 1064, Supplies and Materials, Dept. of Finance.

Also,

No. 2887 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by the City Depositories to secure same as of March 31, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2888 Communication from George Jacoby, Director, Department of Supplies, submitting the Annual Report of Municipal Authorities and report on Examination of Financial Statements for the Equipment Leasing Authority for 1981.

Which was read and referred to the Committee on Supplies.

Mr. DePasquale presented

No. 2889 Petition from the residents of Pittsburgh, requesting a public hearing to explore and explain the reason for Council's delay in dealing with the request for a rate increase by Warner

Cable Corporation, also requesting that this be addressed before the May 17, 1983 election.

Which was read and referred to the Committee on Public Works.

The Chair:

If the Chair may, there is no official request from Warner's for a rate increase, so I don't understand people saying they want a hearing on something we haven't even discussed, so, obviously, Mr. Chairman, I think that's completely out of order.

Michelle Madoff:

Mr. President, as you recall and it is a matter of record in the transcripts that I attended --

The Chair:

We're not going to discuss a Warner increase.

Michelle Madoff:

I'm talking about the Warner rate hearing.

The Chair:

No, we're not going to discuss it, because it's not on the agenda. Warner has not asked for an increase.

Michelle Madoff:

Why can't we ask to have it on the agenda?

The Chair:

Warner has not asked for an increase. Do you want to take it up on the post agenda? Not here.

Michelle Madoff:

Why can't we have it on the agenda?

The Chair:

Because Warner's hasn't asked for an increase. If you want to request Warner --

Michelle Madoff:

I think that is not correct. May we get a clarification on that from Brother Richard? I believe they have asked for it, have they not?

The Chair:

Has Warner's officially asked Council to increase the rates?

Brother Emenecker:

On January 4, 1983, Warner sent a letter to the Director of Public Works, whereby they have requested consideration for a new rate structure, but it has to be approved by City Council, and according to the City's ordinance, the Superintendent has 90 days from the date of the request to submit a report to Council. About two weeks ago, I asked for a 30-day extension of that 90 days, because we had not received all the information from Warner. My report will be submitted to Council on May 2. At that time, someone still has to put it on the agenda. I'm simply following the ordinance whereby my report goes to Council now on May 2.

The Chair:

Then there's no fault with that, sir. I'm just saying we haven't been asked to increase the rates.

Michelle Madoff:

Yes, we have been.

The Chair:

We have not been asked. The man just told you the Superintendent has it in his hands, and it's up to him to bring it up to Council. He said they're going to take action, possibly on May 2.

Michelle Madoff:

Mr. President, I respectfully repeat what Brother Richard has said that yes, indeed, they've been asked for a rate, he could have been here before, but he needed more information from Warner. He has now stated that he will have after a 30-day extension this information by May 2. May 2 is before the election of May 17. There is a petition before us to have a hearing before the election. May I remind this Council that I asked for the same thing and was voted down.

The Chair:

Can you have a hearing on something that hasn't even been asked for?

Michelle Madoff:

We have had it asked for.

The Chair:

Through who?

Michelle Madoff:

Brother Richard just read the request.

The Chair:

Didn't you just hear the man explain? It's in Public Works, the

Department right now. It hasn't been brought to Council. There's a possibility they may not ask for the increase.

Michelle Madoff:

I would be happy to ask this Council --

The Chair:

You can't schedule a hearing on something that hasn't been asked for, Michelle.

Michelle Madoff:

Well, that's a way of avoiding the issue.

The Chair:

Well, I'm avoiding the issue, then.

Michelle Madoff:

I think you are avoiding the issue. I think people are very upset about it.

Mr. Givens:

I didn't realize Brother Richard was back there, and his letter so explained to Council what was happening. Until we receive that letter on the second of May, as the President of Council so indicated, this Council, in fact, cannot act upon anything until we are officially notified. To have a hearing before all the information is in is to put the cart before the horse.

Mrs. Masloff:

Also, the Advisory Committee won't have their report ready until May 10.

Michelle Madoff:

It could have come in August of last year.

Mr. O'Malley:

Brother Richard, that report you're getting ready for City Council, is that going to be whether you accept or reject Warner Cable's request?

Brother Emenecker:

No. The ordinance states that the Superintendent shall make his recommendations, if any, to City Council and the Mayor within 90 days.

Mr. O'Malley:

Recommendations on what?

Brother Emenecker:

Recommendations on any request for a rate increase.

Mr. O'Malley:

Okay, now, you're going to make your recommendations as to whether we should accept or reject Warner's request, is that right?

Brother Emenecker:

I can't say how the recommendations will --

Mr. O'Malley:

Could you come up here, Brother Richard, please? I'd like to clarify this in my own mind. Warner Cable sent a request for a rate increase to City Council and to yourself?

Brother Emenecker:

That's correct.

Mr. O'Malley:

Okay, now you have 90 days under the contract to review the request and to send it on to City Council?

Brother Emenecker:

That's correct.

Mr. O'Malley:

With an affirmative or negative recommendation?

Brother Emenecker:

No, it doesn't say that. The ordinance says that the Superintendent shall make his recommendations, if any, to the Mayor and Council within 90 days, and I asked for a 30-day extension, because the amount and quality of the information that we received from Warner was not sufficient for me to finalize a report, to even consider making recommendations.

Mr. O'Malley:

Are you getting any additional material you need from Warner?

Brother Emenecker:

Yes.

Mr. O'Malley:

Will you be able to make, in your opinion, a valid judgment on whether they deserve consideration for a rate increase? Are you going to accept or reject the proposal? If you reject their proposal, does it still come before Council?

The Chair:

Excuse me, Mr. O'Malley. I think Brother Richard made it clear on May 2 he's going to give a recommendation. You're asking him to give it now, and he's not prepared to give it now.

Mr. O'Malley:

No, I'm asking him if he --

The Chair:

You asked him what he's going to recommend. He said he's not going to recommend until May 2.

Mr. O'Malley:

Okay. You won't recommend either an increase or that they hold the line or no recommendation?

Brother Emenecker:

At this point in time, I would not like to be put into the constraints of it being a simple yes or no answer, simply because I'm still in the middle of analyzing all the information submitted, so I'd like to stay within the framework of the ordinance, which says that I'll make recommendations, if any, within the 90 days, which is now extended, so I would not like to be tied to it either has to be simply a yes or a no, they deserve it or it should be rejected.

Mrs. Masloff:

The Committee meeting is on the tenth.

Brother Emenecker:

Right, there is another aspect to this. The ordinance also requires the Cable Advisory Committee, which was established by Council, to make a

written report to Council concerning a rate increase request. They've already started to review the information. They'll receive my report shortly after you receive it. They're holding their next meeting on May 10, at which time they're going to review my report and the additional Warner information, and then when it's on Council's agenda, they will submit their written report to Council; so you have to by ordinance, you have required recommendations, if any, from me, and you have required a written report from your Committee. I would suggest that you at least get those two documents before you hold public hearings.

Mr. O'Malley:

Okay. Thank you.

The Chair:

I think Brother Emenecker has made that rather clear, but we'll entertain one more question, and that's it.

Mr. Robinson:

Mr. President, I'd like to ask Brother Richard whether or not he will be utilizing staff other than that in his own department.

Brother Emenecker:

We'll be utilizing the staff in the Law Department.

Mr. Robinson:

Do you feel that your staff and the Law Department have all the necessary expertise to evaluate the material that's being submitted?

Brother Emenecker:

At this point in time, yes.

Mr. Robinson:

Are there any provisions in your budget to hire outside consultants to help you in this regard?

Brother Emenecker:

Yes. There are funds that are available if we needed to do that or if Council wishes to that. The bottom line ultimate decision is Council's. The ordinance says they cannot raise the rates without written approval of Council.

The Chair:

Thank you, Brother Richard.

REPORTS OF COMMITTEES

Mr. Givens presented

Bill No. 2890

Report of the Committee on Public Works for April 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2786

A Resolution entitled, "Resolution amending Section No. 2 of Resolution No. 1226, approved November 22, 1982, effective date December 3, 1982, entitled, 'Vacation of a portion of Calvin Street and Garden Way in the 9th Ward, City of Pittsburgh'."

Which was read.

Also,

Bill No. 2787

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Frank Moolin and Associates for Engineering Services in connection with the In-Depth Inspection of the North Avenue and Brighton Road Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2788

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the In-Depth Inspection of the S. 12th Street Bridge; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2891

Report of the Committee on Planning, Housing and Development for April 13, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2544

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13 by changing from "S" Special District to "R3" Multiple-Family Residence District all that certain property bounded by the "R3" Multiple-Family Residence Zoning District boundary line located near the northerly terminus of Renova Street and the perimeter boundary lines of Lots No'd. 1 and 2 in the Renova Street Plan of Subdivision as approved by the Planning Commission, 15th Ward."

Which was read.

Also,

Bill No. 2545

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 13 by changing the entire "C1"

Neighborhood Retail District to "R2" Two-Family Residence District all that certain property bounded by: Mountain Avenue; the "R2" Residential Zoning District boundary line located west of Mountain Avenue extending across Fisher Street to Joseph Street; the "S" Special Zoning District boundary line located west of Mountain Avenue between Joseph Street and Mountain Avenue; Mountain Avenue; the "S" Special Zoning District boundary line located east of Mountain Avenue extending across Ormsby Street to Fisher Street; Fisher Street; the "R2" Residential Zoning District boundary line located east of Mountain Avenue between Fisher Street and Pliny Way; and Pliny Way, 16th Ward."

Which was read.

Also,

Bill No. 2798

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(4) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Wendy's of Greater Pittsburgh, Inc. for permission to enlarge the existing parking area in an "R5" Multiple-Family Residence District located at 5418 Baum Boulevard. The additional parking area has 35 feet of frontage on Baum Boulevard and is identified as Lot No. 158, Block 51-L in the Allegheny County Block and Lot System, 8th Ward."

Which was read.

Also,

Bill No. 2799

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A10 of the Pittsburgh

Code, Title Nine, Zoning, Article V, Chapter 993 to House of the Crossroads for permission to use the existing structure at 2012 Centre Avenue as an institutional facility, a residential treatment center for drug-addicted (20 clients) individuals with 24 hour supervision, on property zoned "C3" Commercial and identified as Lot No. 334, Block 10-N in the Allegheny County Block and Lot System, 5th Ward."

Which was read.

Also,

Bill No. 2800

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the Lawrence Paint Building Urban Development Action Grant Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Lawrence Paint Building Urban Development Action Grant Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for deposit of the funds in a bank account."

Which was read.

Mr. Givens:

On Wednesday I had some discussion, I didn't have liberty to speak, and that was primarily on Bill No. 2800, which was the Lawrence Paint Building, and I was detained with some people that wanted to talk to me at that particular time; and I voted no on that bill because

of my not having the opportunity to talk to the group, because the Chair had ruled me out of order, but knowing the Lawrence Paint Building, knowing the Developer, Christopher and what he's trying to do to that.

Reading the article in the Pittsburgh Press on Sunday, it alluded to the UDAG Grant, and that was my main point of interest, that when we give Urban Development Action Grants, then we should be sure that the City of Pittsburgh receives a majority of the people who are going to work in there, and Christopher couldn't come out and say exactly where these people are going to come from. It was assured that it's going to be a local entity, and most of the hires will come locally. This is not the case. When we appropriated some almost \$3.4 million for Giant Eagle, they in turn hired many people from Ohio, Teamster drivers. After much pressure has been put on that particular firm, they are now hiring people from our Local 249, and I'm very pleased to hear about that, but I think this Council has to be extremely aware of the fact that when we give Urban Development Action Grants, which is our federal dollars being returned to our communities, from people from our community who paid money in their federal taxes, and I think the people then should share in that.

So I just wanted to make that comment, and also, on Wendy's, that was Bill 2798, the green alignment between the Wendy's parking lot and a very historical church and park right next to it. I talked to the architect on that, and was assured what he is doing in there is, in fact, going to enhance the beauty of that particular area, but I wanted those two comments to be made, Mr. President. Thank you.

Mr. Robinson:

On Bill 2800, I think that Council should be aware that Mr. Givens' concern is a valid one relative to this issue of the employment of local people, particularly in reference to the UDAG program. All the UDAG programs that have been approved by this Council have been supported by documentation that jobs would be developed in substantial numbers. No supporting documentation has ever been given to us that a substantial portion of those jobs will be held by residents of the City of Pittsburgh. In fact, on several occasions we were advised by our own staff that it would be inappropriate for us to address legislatively that concern.

I have been one member of this Council who has always believed that when we're creating job opportunities in the City of Pittsburgh, the people who live in this City certainly should have the first opportunity at those jobs, and that we should do everything within the confines of the law to see to it that that happens.

Without this Council making some amendment to Council Bill 2800, there will be no guarantee that people who live in the City of Pittsburgh will have an opportunity to participate in this particular UDAG. In fact, I think it is kind of ludicrous for us to assume that the developer will take more of an interest in the people who live in the City than we will take. If we do not send a clear signal to the developer and a clear signal to the Urban Redevelopment Authority on this matter of hiring City residents on these projects and making provisions for City residents, it just will not happen. I think that the Urban Redevelopment Authority was well aware when they proposed Council Bill 2800 what the concern of this Council has been relative to making sure that our

people, the people who live in this City, have the first opportunity to benefit from these construction projects. Urban did not see fit to send any supporting documentation which would indicate that our people in the City of Pittsburgh are going to have an opportunity to participate in this program. I think it's about time that this Council make up its mind as to who we represent. Either we represent the developers, or we represent the people. If we want to represent both, then let us use the same kind of enthusiasm on behalf of the people in this City who are unemployed that we use on behalf of developers. I don't think there is anyone who can question that our Urban Redevelopment Authority, the Mayor, and this Council have bent over backwards to do everything we can to accommodate developers and to work with them to improve our City.

We have not bent over backwards for people who are unemployed. We have not bent over backwards to make sure that our people benefit from these UDAG projects. I would dare say if you went through the records of the previous UDAG, you would find a substantial portion of those jobs, a substantial portion of the business opportunities have gone to people outside the City of Pittsburgh. I have nothing against people outside the City of Pittsburgh. It's just that I represent people in the City of Pittsburgh and that we need to make a commitment to our people, and we need to begin to start with these Urban Development Action Grant Programs. The primary emphasis of the program is to stimulate the general economy, and I would think that implies stimulating it with local people. Why can't we have local businesses and local workers participate substantially in these UDAG projects? This Lawrence Paint Building Urban Development Action Grant Project to a large extent is a slap in the

face to people in this City who have attempted to become a part of its rebirth and its growth, and we have always said when these Urban Development Action Programs have been suggested that they're going to improve the economy, they're going to improve the City. Well, how do you improve the economy and improve the City when you don't take care of the people who need work, people who legitimately are asking us to be a part of this project?

I have some serious reservations about us approving this. I have some serious reservations about the kind of signals that we're sending forward to the citizens of this City by entertaining this proposal, entertaining this bill without seriously addressing the issue of employment for our people.

Mr. Given:

Bill, if I might just respond, just two quick remarks. One, when you get these Urban Development Action Grants, they are HUD grants, and as a result, the federal government doesn't look at the City of Pittsburgh as being a little area. They look at really what we call the greater metropolitan area, which includes all the way into Cleveland. That's why many of these jobs come out of Cleveland, but I think we are incumbent upon ourselves, so that would have to be changed at the federal level if the UDAG grant would go out or be pertinent to only that community at 50 percent or whatever we want to put in. I don't think they'll ever do that, but attempts could be made, but when the company does use this particular money, and we have to look at the reputation of that particular company. Giant Eagle did reverse its trend. I think we all know Christopher up there, what he's been doing up in Mt. Washington, developing Mt. Washington, and I think we have to know that he has been very loyal to the

City of Pittsburgh and the great development that he is going to make up there, the community relations and the spirit of the Mt. Washington people with that particular developer; and if you can think that for at least 15 years this particular Lawrence Paint Building has sat down there, an eyesore to the community. We're trying to interconnect Station Square with that whole parcel of land that is completely lying there, undeveloped, at the confluence of the Three Rivers. It's a beautiful area, and I think when we see when it's completed, you'll see what Christopher is trying to do and other people, the Historical Landmark people, and others to develop that land that's been used over there as a scrap yard.

The Chair:

As a member of the URA Board under, the terms of UDAG grants, I believe we can't limit them just to jobs for Pittsburghers. In other words, they wouldn't give us the grant if we did that, correct?

Mr. Given:

Right. They go out some 100 miles. They think regional, like SouthWest Regional as a regional type of

The Chair:

It could work the other way around, say if you give in the County, say if Pittsburghers are allowed to go for jobs there instead of excluding them.

Mr. Flaherty:

I agree wholeheartedly with the results of Councilman Robinson, and I would care to add that the Department of City Planning has great impact and great influence and actually selects the

projects that will receive a possible UDAG grant. I think it's imperative to keep in mind that there has been very strong criticism just in the past couple of weeks from the P.N.A., the Pittsburgh Neighborhood Alliance, which has taken City Hall to task as far as where this City is utilizing their UDAG grants; and unfortunately, I think it is becoming too one-sided in that our UDAG's are being used for developments which are of a metropolitan concern instead of trying to utilize the funds for developments in our inner neighborhoods, instead of in the downtown area, or in the periphery of the downtown area.

Approximately a half a year ago, I requested of Gloria Fitzgibbons at the URA a very simple statistic in my mind, just a breakdown of how many City jobs were created in regard to UDAG grants that were granted in the past three years in this City, specifically a ratio of City jobs to non-City jobs. I requested that information again approximately three months ago. I have yet to receive anything. I find it appalling that they don't have this information right at the tip of the desk. I don't believe they have compiled this information. I don't believe that they have been filing it, and that is indicative to me that talk about providing jobs for City residents is just a lot of political hogwash at this Council table when they want to put a grant through that oftentimes is very partial to powerful developers in this City and in this County. I think it's important to keep in mind we have not heard one iota from the County Commissioners or anyone in the County about supporting this City as far as its Commuter Tax or accruing any outside revenues for this City, so I don't think this Council should always be bending over backwards to worry about the metropolitan area.

I, myself, in closing, regretfully have to support what Councilman

Robinson has said, and I imagine that he also has some regrets, because I believe our language does smack of protectionism, but I think in this City we are on our last legs, and this is the only alternative we have, simply because we have not had any cooperation, not just from the County, but also not from our own URA, and I am adamantly opposing any UDAG grants until we receive that primary, essential cooperation.

Michelle Madoff:

Mr. President, it seems to me that a member of this Council, and I would wonder if someone would identify themselves. I don't remember who introduced a bill not too long ago asking that we emulate, I believe it's Boston that has now --

Mr. Flaherty:

I had introduced that, yes.

Michelle Madoff:

What ever happened to that bill, and the Boston bill, as you recall, Mr. President, has passed Boston where they are permitted to hire at 50 percent at least of City people to work in the project, and it is law. Now, why can't we do the same thing?

Mr. Flaherty:

Well, we're going to have a public hearing. I believe that is set for May 26.

Michelle Madoff:

I think that that is where we're probably going to be, it is already law in Boston, and there's precedent set.

Mr. Flaherty:

Yes, the Supreme Court upheld a challenge also to the Boston ordinance.

Michelle Madoff:

I appreciate that information, and I think that's where the issue is going to lie. I really believe that Mr. Robinson and Councilman Flaherty are absolutely right, we have not dealt with the issue of jobs, but I would hate to put the whole monkey on the back of Chris Passodelis, because I was at the opening, as perhaps others were, of the ground-breaking ceremony, and never in the history of this City have I seen a community so behind a developer with not one objection. He worked with the community. He didn't take anything. He didn't sneak around and get the property. He was open about everything, and I think we have to deal with the issue of the jobs.

Mr. Flaherty:

This is the Lawrence Paint Building.

Michelle Madoff:

I know that's Chris Passodelis's building. That's the Lawrence Paint Building --

Mr. Flaherty:

It's not in Mt. Washington. It's not the same development.

Michelle Madoff:

What I'm saying is that I want to see that not only there but in his own project that we have a law in this City that says 50 percent of the people hired will be City residents, and I think that's the direction we should go in, and at this

point, I'm not prepared to single out one developer that really cares about our community and is hurting a lot of others.

Mr. O'Malley:

I'd just like to make a quick statement that I think some of my colleagues are mixing apples and oranges. On this Lawrence Paint Building, what we have is an application from a developer for UDAG grants to take a blighted, run-down building that's been sitting over by Station Square for the past ten years and to upgrade that piece of property. It's in a very key point, sitting right off the Three Rivers. I personally talked to the developer myself, and he said he would do everything that he can to hire at least 50 percent City workers, but it's very difficult to require people who lease space off of him to hire all City employees. When you have a UDAG grant, you cannot mandate that people hire City employees. The federal government does not permit it, and all this application is for money which will generate \$170,000 a year in additional taxes for the City of Pittsburgh. All this application is is a request to upgrade a very vital piece of property in the City of Pittsburgh, and I would urge my colleagues to vote for it; and the deal with the hiring of City employees, Mr. Flaherty says on May 20 —

Mr. Flaherty:

Twenty Sixth.

Mr. O'Malley:

Twenty-sixth, that this Council puts in the same legislation that Boston put in requiring all the developers to hire 50 percent residents of the City of Pittsburgh.

Mr. Stone:

Mr. President, maybe some of what I was about to say has already been said, but relative to this particular project, it's my understanding that what Mr. O'Malley has indicated, this developer has indicated that he will do all within his power to see that City residents are hired.

Relative to the credibility of this particular developer, if all of those of you who are on Council just think back for a moment, there was never one project passed on Mt. Washington because of strong local opposition to it.

Mr. Passodelis did everything out front, was very believable to everybody in that community, tied it all together, was able to amass this whole group of property necessary that I don't think anyone else could have done. He still maintains that credibility with the people there, but in addition to that, and I think the key is that this particular piece of property on which there's a request for a UDAG is the linchpin tying in Station Square, tying in the Paint Building, and possibly the opportunity to tie into the Hill.

It is essential, this is one of the most dynamic things that's been coming around at this particular point. As far as employment, there is no question that that Station Square project, the project he has on the Hill, and the tie-in to this is a major development and providing of jobs in this particular community. It would be so wrong and contrary to everything that everybody wants not to approve this thing at this particular time.

Mr. Givens:

I just have this illegal rate. When I dug into this as a member of the URA

Board, and I went to one of the companies that had a UDAG grant, it's privileged information who works for any particular company and government, and no one else can go in and ask that employer or whoever it might be for the names of their people and where they live and etc. and etc., so I kind of ran into a box wall, but the spirit of the law was met in that particular case, and again I think the spirit of the law will be met in future UDAG's, but it's one that we must ask ourselves to question each time they come up, and if we think of the 50 percent of people working in the City of Pittsburgh, we have to figure where our tradespeople live. I don't know if they all live in the City, I doubt it, and if Boston is a metropolitan area, Pittsburgh is not, it's only 55 square miles. We're one part of 3 million metropolitan area population, where Boston, they cover probably about 90 percent of all the people who live there.

Mr. Flaherty:

I just want to respond to what Councilman Givens has said, because what he has said is not accurate at all. This City in population is comparable to Boston. That City is not a City of one and a half or two million people. It's in the same bracket as our City, and if the URA is impeded in presenting information to this Council as far as how many City jobs are generated through firms that received UDAG's, then I would appreciate it if they would say that out front instead of always coming in front of this Council and using the argument that this is going to create employment in the City.

The Chair:

Roll call vote.

Mr. Flaherty:

I am opposed to 2800 because of the 16 percent unemployment we have in the City and because we are receiving absolutely no outside aid. We even have a County Commissioner, William Hunt, who is actually coming out saying he wishes the City would disappear, and here we are worrying about the County and a developer who does have a good reputation, but I think our primary concern should be creating employment for our own and not being concerned with the millions that a developer will be making on down the road.

The Chair:

With all due respect to Mr. Flaherty, let's vote without explanations. That's the second time you gave us that explanation. I appreciate that you can go on and on and on.

Mr. Givens:

I vote aye on all bills. On Bill 2801, one comment if I might, Mr. President, and that is, I wish Mr. Flaherty would have gone over and looked at the stadium on opening day, and he voted no on that one, too.

Mr. Flaherty:

Yes, I saw all the billboards.

Michelle Madoff:

I vote aye on all bills, and I believe that there's a lot of virtue on both sides of the issue, but I think the broader issue has to be addressed, and it will be, thanks to Councilman Flaherty. I believe it's May 24, Mr. President, and then we'll deal with the —

The Chair:

The twenty-sixth.

Michelle Madoff:

Twenty-sixth, and then we'll deal with the precedents set by Boston at being able to hire 50 percent of Pittsburgh residents, and it has already been held, as he said.

The Chair:

Boston's going to hire 50 percent of Pittsburgh residents?

Michelle Madoff:

Yes, that is the law now. As Mr. Flaherty informed us, it's been upheld in the courts.

The Chair:

You repeat that Boston's going to hire 50 percent Pittsburgh residents?

Michelle Madoff:

That's the law. That is the law.

The Chair:

Boston's going to hire 50 percent Pittsburgh residents?

Michelle Madoff:

Of Boston residents.

The Chair:

That's the third time I asked you, the third time you said yes, Michelle. See, you're not listening.

Michelle Madoff:

I'm not listening because you keep interrupting.

The Chair:

I asked you is Boston going to hire 50 percent Pittsburghers.

Michelle Madoff:

I thought you said local residents. I'm sorry. I assumed you meant local.

The Chair:

Okay, I —

Michelle Madoff:

Boston will hire Boston people. They set a precedent, and hopefully Pittsburgh people will be voting to hire 50 percent local City of Pittsburgh people, not where the zip code says Pittsburgh and they live in Mt. Lebanon or in some other area. I think you know what I meant. I am not any more perfect than you are, Mr. DePasquale.

Mrs. Masloff:

Aye on all bills.

Mr. O'Malley:

Aye on all bills.

Mr. Robinson:

Aye on all bills except 2800. I'd just like to add another comment. I don't think anyone should be led to believe that the issue here is the developer. The issue is not the developer, and I think any comments relative to him or her or them are irrelevant. The issue here as I perceive it is whether or not we are going to have a full commitment helping

our own, to assisting them where we can and having an evenhanded development policy. The 16 percent unemployment in our City is obvious to all of us, but in some communities like the minority community it's 35 percent and even higher. I have a great deal of anguish over trying to balance this project against the obvious need for development in our neighborhood, the obvious need for employment, and it's with some reluctance that I cannot support 2800, not because of the project itself, but because of what appears to be a lack of perhaps diligence on the part of the Urban Redevelopment Authority and some City officials to address the present concerns of this City and not just the future concerns. I vote no on 2800.

Mr. Stone:

I vote aye on all bills. Relative to 2800 as well, aye, and I'd just like to mention that I'm voting for that bill because I think it's in the best interests of the City of Pittsburgh. I think it helps the business vitality. I think it provides jobs. It's not the matter of words than providing actual jobs. I think this is a major step in revitalizing that portion of the City of Pittsburgh, and if we're concerned about Dr. Hunt, it will improve the City so well that maybe he'll disappear.

Mr. Woods:

Aye.

The Chair:

Aye on all bills.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES 2

(MR. FLAHERTY AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2801

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Parcel 3 in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 2802

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and James Layne, Jr. and Frances J. Layne for the sale of Parcel 92A in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Sideyard)."

Which was read.

Also,

Bill No. 2803

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 2804

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP Sideyard Sale)."

Which was read.

Also,

Bill No. 2805

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire the property owned by the Housing Authority of the City of Pittsburgh in the 26th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lots: 45-M-62, 45-H-257 and 45-H-259."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 2892

Report of the Committee on Supplies for April 13, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2847

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a licensed and registered Salvor or Salvors for towing, storage and disposition of motor vehicles in accordance with the Act of June 17, 1976, P.L. 162, No. 81, and its amendments; and repealing Ordinance No. 517 approved December 31, 1971, entitled, 'An Ordinance providing for the

establishment of a Trust Fund and the issuance of warrants in favor of Pennsylvania Salvor Incorporated as Salvor, licensed by the Commonwealth of Pennsylvania under the provisions of the Act of April 29, 1959, P.L. 58, as amended providing for the deposit of State reimbursement funds; establishing a charge upon Salvors for the use of City facilities for auto storage and providing for the deposit of said City facilities for auto storage and providing for the deposit of said funds; and transferring \$20,000.00 from Code Account 32-1 to said Trust Fund' as amended."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 2893

Report of the Committee on Public Safety for April 13, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2797

A Resolution entitled, "Resolution providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 2894

Report of the Committee on Lands and Buildings for April 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2743

A Resolution entitled, "Resolution providing for a contract or contracts, including the use of existing contracts, for construction in connection with rehabilitation of No. 17 Fire Station, Mt. Washington; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2784

Resolution amending Item C of Resolution No. 128, approved March 3, 1983 for the sale of vacant land in the 3rd Ward on Bedford Avenue, designated as Block and Lot 9-M-245 and 9-S-38 to Charles A. Garfagno and Raymond Hawkins. Amendment is to correct dimensions of one lot.

Which was read.

Also,

Bill No. 2785

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I bring before Council today a very, very, very serious problem to which I think I may have a solution.

Mount Washington, as we all know, is a community which is virtually cut off because of the closing of roads and bridges.

The liability to the City if we do not provide a major access to Mount Washington at the earliest possible moment is far greater than the money needed to expedite completion of the McArdle Roadway.

Page CV-12 of the Capital Budget indicates that a total of \$7 million is needed to finish the bridge. The figure I got from our own Capital Budget Office today is that it's only four to five. So, we're allowing even a greater number than is anticipated. That's to finish the bridge and that's to finish McArdle Roadway. If the City committed only \$2 million now, — does everybody understand that? I notice that Mr.

Woods and our Finance Chairman have left because when I realize that when I speak it's not important. -- If the City committed only \$2 million now, the two lanes could be safely open by the end of 1983.

The additional \$5 million of the \$7 million needed, and now it would appear it would only be another \$3 million, for McArdle Roadway is to be used for the replacement of curbs, sewers, decorative lighting, walls and fences. These items can be done any time with a minimum of inconvenience and no closing of the Roadway. They are not life threatening finishing touches.

After speaking to PennDOT, two shifts would assure completion by the end of 1983. We can't go to a third shift; it is not prudent because of the dangers of working at night.

The dollars to finish McArdle Roadway have been tied up because of the Emission Control Legislation. We cannot wait for release of matching funds. We must proceed now in order to expedite progress so that the contract can be let. The final construction drawings are already completed. We can go out on bid right away if we use our own dollars.

Even if the dollars tied up with the Emission Control Legislation are approved shortly, it will still take months to complete the federal red-tape approval of the drawings and plans, the ones that are already available. Roger Carrier of PennDOT has repeatedly stated that even if the Emission Control Legislation were passed today, there is no guarantee that Judge Bechtel would authorize emission dollars for any project until the inspection program has proven to be implemented.

Furthermore, federal dollars

authorized for McArdle Roadway can be used for other project. Lord knows we have many of them.

I urge this Council to prevail on the Administration to proceed with advertising for bids immediately.

I know that Mount Washington residents, businesses and developers are presently organizing a monumental hearing. Mr. Woods was aware of it. The hearing was to take place at 2:00 tomorrow afternoon. I told him I knew about it and he informed me that he also knew it was cancelled because they really want to organize thousands of people on the hill. Why should we as Councilmembers who represent the public wait until they have to organize thousands of people? They're concerned with the curtailment of development. They're fearful of what could happen if there were a major fire.

With the closing of McArdle Roadway the two roads which were most frequently used to get to Grandview Avenue were the Ho Chi Minh Trail, that's know as Sycamore Street and you know that's been shut down, and the Goat Trail, which is Greenleaf which is still open. Roay McHugh's column really tells it like it is. And now to add insult to injury, Sycamore Street is closed and there has been a rockslide on the West End Highway.

We cannot turn our backs on Mount Washington. If Council agrees, I will introduce a resolution on Monday, waive Rule 8, and we can have a final vote two weeks from today. That's means that we go to \$2 million of our own dollars. That's all we need, \$2 million. We are isolating thousands and thousands and thousands of people who could be burned alive in a fire. We have to move and I urge Council to move right now to support the motion. If you support it as

a floor motion, someone seconds it, and I will prepare a resolution for Monday.

Mr. Flaherty seconded the motion.

Mr. Givens:

Discussion. Our Legislators are very close. I've been in touch with all of our Legislators. Along with the Mayor and everyone else we've pleaded and done everything. I feel very shortly, and I'm talking about a week or two or three weeks at the most, that it appears that our Legislative Body will come. I think there's been certain amendments attached to this particular bill only that's holding it up right now from going through and it gets back down to the money basis.

To go as Michelle would so indicate, the people of the City of Pittsburgh would pay \$2 million and that \$2 million would not be reimbursed back to us. Otherwise, if we wait for this week or two for the Commonwealth to do their thing, it means then that we have \$2 million extra to do things for people up on top of Mount Washington, things that they have asked us to do up there that we haven't been able to do.

It's not only McArdle Roadway. We have many millions of dollars, I think to the tune of \$6 million that are being held back right now on present constructions in many of our neighborhoods. I plead, however, with the people of Mount Washington that their problems have been something that has been erroneous. There will be no more road closings. They do have some minor entrances and exits off of that particular roadway. There is inconvenience, but when one has the beauty to overlook the City of Pittsburgh as they do, I think this Council has been doing everything they can to assure them that they will have good egress to and from the Mount

Washington hilltop.

Michelle Madoff:

Mr. President, I do not believe that Councilmembers leave an important issue like this. And obviously Mr. Givens wasn't listening. I must repeat two points. We're only talking about \$2 million. That \$2 million, while it is not reimbursable, the Federal Highway Emissions money can be used for other projects and Lord knows we need other projects. We take money for other things. I cannot think of isolating one complete community. And this man is up for election and he talks about this being political?

The Chair:

Roll call vote on the resolution.

Michelle Madoff:

I don't think we need a roll call vote. We don't have the people here to vote. I withdraw my resolution. I will introduce a resolution on Monday.

The Chair:

Roll call vote.

Michelle Madoff:

Okay. Call the vote. This is a floor motion. Not a resolution.

Mr. Givens:

Point of parliamentary procedures. Can you discuss a bill before it's introduced? I was denied the opportunity of discussing a bill before it was introduced.

Michelle Madoff:

I haven't introduced the bill yet. I

want to introduce that on Monday.

Mr. Givens:

You can't discuss anything, any bill, before it's introduced.

Michelle Madoff:

But I can still introduce it, Mike, on Monday? I'm still privileged to introduce it on Monday?

Mr. Perry:

Yes, ma'am.

Michelle Madoff:

Thank you.

Mr. Givens:

If you make a vote then, that's a final vote.

Michelle Madoff:

No, it is not a final vote.

Mr. Givens:

Oh, yes it is.

Michelle Madoff:

I don't want this as a final vote.

The Chair:

Roll call vote.

Michelle Madoff:

One moment. I want the Parliamentarian to rule on this.

The Chair:

Michelle, you're out of order. We're voting.

Michelle Madoff:

I am not out of order. This is a very serious problem.

The Chair:

What do you want him to rule on?

Michelle Madoff:

Mr. President, if it's a final vote I will withdraw my resolution. I want to know if it's a final vote. All I'm doing is making a floor motion that we discuss --

Mr. Givens:

But she's going to introduce the bill.

Michelle Madoff:

I can talk for myself, Mr. Givens. I am not Charlie McCarthy and you are not Edgar Bergen. Nor are you Mr. Stone and you don't have to telegraph.

The Chair:

First of all, Michelle, you're not voting on legislation. You're voting on a recommendation.

Michelle Madoff:

Thank you, Sir. I am saying this is just a recommendation. May I still introduce a resolution on Monday, Mr. Parliamentarian?

Parliamentarian:

This is a sense of Council resolution.

Michelle Madoff:

I can still introduce a resolution on Monday?

Parliamentarian:

So you'd have to really legislate on Monday.

Michelle Madoff:

Thank you. I can still introduce my resolution on Monday? Thank you. I just wanted to be sure that by people leaving here and Mr. Givens voting against Mount Washington that we would not immediately eliminate that problem.

Mr. Givens:

Well, I'm glad to think you though I was voting against Mount Washington but I didn't say anything about voting against Mount Washington.

Michelle Madoff:

You just said so, Sir. I only listen very carefully. I have the wax out of my ears.

The Chair:

Get on with the vote.

Mr. Flaherty:

I whole heartedly support the motion. I believe that it is obvious that Council, for too long, has been asleep at the switch as far as what has happened to Mount Washington and I think this is the least sensitivity that we can show to an area that is historically deprived of representation on City Council and that's probably one of the root reasons why Mount Washington is now in the precarious position it is now in.

Mr. Givens:

Mr. President, I have to disagree. In fact, some of the things that have happened up there have been acts of Mother Nature. Some we had foreseen. The Saw Mill Run was something that was programmed. It was a very serious tragedy. The Sycamore Street is one that I brought to the attention of the Department of Public Works and they were planning to do work on that until they had "a minor rock slide". The whole key is that we don't want to lose anymore lives.

I have to expound upon this Council, those who are left here today, that the fact remains that the building of the Roadway is a federally funded, state maintained road. And as a result, this Council is very frustrated and the people of Mount Washington are very frustrated. However, I'll do anything that this Council wishes to do in order to open it up. However, we will not recover the \$2 million that we put back in there, and we're talking, hopefully, about a week or two and before they could even draw up the contracts, hopefully, — We're going to put ourselves to a lot of work is what I'm trying to say. The contracts will all be drawn up and everything else. The state will pass their legislation and we'll be back to peg one.

At this particular time, I will abstain until the bill comes up before the Council and it can be discussed with all the people from the various departments here, including that of PennDOT. Mike, when that does come up, if there's not a public hearing, if it's just a Councilmatic hearing, then I want somebody from PennDOT here.

Michelle Madoff:

I repeat, yes, we will lose the \$2 million but that money that comes to us

in a fixed sum each year from the Federal Government for highways and bridges being built can be used on other projects.

How can we deny the people of Mount Washington for a mere, and I say mere, \$2 million? I think, Mr. Givens, you are going to feel the retribution in this election from Mount Washington.

Mr. Givens:

I'm sorry, Michelle, but you might feel it also because when the taxes are raised \$2 million and those same people must pay for those taxes, I think they're going to be a little bit mad at you.

Mr. Robinson:

Mr. President, I'm somewhat astonished that we're willing to consider \$2 million for the McArdle Roadway and the relating problems and yet we have not taken this kind of aggressive action on the Pennsylvania Avenue Bridge. I'd just like to speak on behalf of the Pennsylvania Avenue Bridge.

Michelle Madoff:

You're absolutely right, Mr. Robinson. I support you.

Mr. Robinson:

This project is authorized at \$2,379,361 and if we're going to take \$2 million for a bridge project, I certainly would have to vote for the Pennsylvania Avenue Bridge which I might remind Council had been in the planning stages for ten years. I recognize that there are probably a number --

The Chair:

Mr. Robinson, I appreciate your remarks on the Pennsylvania Avenue

Bridge but we're now voting on the McArdle Roadway. I understand what you said and you're 100% correct but --

Mr. Robinson:

I'm trying to explain why I cannot support this motion to consider taking \$2 million for McArdle Roadway. If we're going to consider \$2 million, then let's consider \$2 million for the Pennsylvania Avenue Bridge. I vote no.

The Chair:

If I may, why don't you change your resolution and include the Pennsylvania Avenue Bridge?

Michelle Madoff:

May I address my colleague, please? Mr. Robinson, you are absolutely right but I think as a man of good faith and compassion you know that this Council has made a commitment, that the first priority, and even our Fiscal Chairman who doesn't see fit to stay until the end of the meetings, has said that that bridge would be a priority bridge, the Pennsylvania Bridge. Any you have my word and you know I don't go back on my word. And I think you have the word of the rest of Council that that would be a priority.

But we're talking about saving lives. What do we do if we have a fire around Grandview Avenue and you have to come up the Goat Trail with fire trucks? How do you justify going to bed at night and sleeping with those people burning? I don't think it's funny folks. I black out on a name because I'm really upset.

The Chair:

After this meeting, if I lived in Mount Washington I'd move in a hurry.

You'd scare the hell out of me.

Michelle Madoff:

Well, I would like to live on Mount Washington. I think it's a great place. It's probably the best place in the City.

The Chair:

I'll vote aye but I want to ask the Parliamentarian a question. There's only five people here. Does the majority vote carry or do we need a majority of Council on a recommendation?

Parliamentarian:

Council accepts five as the majority vote.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. DePasquale (Pres't)

AYES 4 NOES 1

(MR. ROBINSON VOTING NO)

(MR. GIVENS ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Our Parliamentary rules that we must have a majority of nine, which is five. We don't have it so the motion fails. But I did vote aye, Michelle.

Michelle Madoff:

Thank you, Mr. President, because I think you care about people.

The Chair:

You can tell those people up in Mount Washington who are hanging from the cliffs that I was for them.

Mr. Givens:

I think in the next week or two we'll have that all taken care of with our Legislative Body and McArdle Roadway will be underway.

Michelle Madoff:

If anybody would like to go up Greenleaf on the Goat Trail with me, I'll show you how serious it is.

Mr. O'Malley move to approve the minutes from Monday, March 14, 1983, Monday, March 21, 1983 and Monday, March 28, 1983.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, April 25, 1983

No. 17

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, April 25, 1983

PRESENT:

Mr. Flaherty

Mr. Givens

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Stone

Mr. Woods

Mr. DePasquale

(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Mr. Stone is attending a South Western Pennsylvania Regional Planning Commission meeting, therefore, he is not here today.

Mr. Robinson:

Mr. President and members of Council, it is a distinct honor today to offer a resolution in recognition of the 20th anniversary of an organization that has done an outstanding job in this community in terms of educating our young people and that organization is the Negro Education Emergency Drive. I feel particularly and personally honored as one of the early recipients of a NEED scholarship which helped me complete my education at Ohio State University. I'm very pleased today to serve on the NEED board. It's a public pleasure and a personal pleasure to present this resolution today to perhaps one of the most unique educational experiments anywhere in the United States and one that has proven that there is a lot to be gained by tapping the total resources of our Pittsburgh community. I'm very proud of all the young people who have come through the need program, some of whom are still in our community, others who have gone throughout the country to serve and many of whom work in our corporate community.

As I said, it's indeed a pleasure today to ask that my colleagues approve this particular resolution and with your indulgence, I would like to read the resolution.

Mr. Robinson presents

Bill No. 2928 WHEREAS, the Negro Educational Emergency Drive, organized by Mrs. James A. Jordan and the late Mrs. Louis J. Reizenstein in

nineteen sixty-three, has provided financial assistance to more than five thousand young people in the Pittsburgh community; and

WHEREAS, this supplemental scholarship program for disadvantaged students has made more than eighteen thousand grants over its twenty year history; and

WHEREAS, NEED will be celebrating its twentieth anniversary on April 27, 1983 and will recognize the outstanding contributions of Pittsburgh's corporate and business community to educate and academically prepare the youth of our city.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh, on behalf of its citizens does honor and recognize the accomplishments of the Negro Educational Emergency Drive on the occasion of its twentieth anniversary and supports their efforts to educate the young people of Pittsburgh.

Mr. Robinson moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'd just like to close by indicating that the two individuals who I originally identified as the founders of this organization were themselves distinguished Pittsburghers. Mrs. Reizenstein, as you know, passed away in 1969 and was a driving force in establishing our Pittsburgh Human Relations Commission and our State Human Relations Commission. Mrs.

Reizenstein recently had an award named in her honor by the Pittsburgh Human Relations Commission, an award which will be given each year to two outstanding Pittsburghers. Mrs. James A. Jordan, of course, is the wife of a former colleague of ours, Councilman Jordan, who is no longer in the City. These two women made an outstanding sacrifice some time ago and certainly we all should feel honored that our City gave birth to this organization, the likes of which do not exist in any other community. I feel very proud that it started here in the City of Pittsburgh.

I'd just like to take a few minutes to recognize some people who are here and ask them to come forward to accept the gold seal copies of this resolution and to share with you, just for a few minutes, some concerns that they have about the youth of our City. Mr. Paul Cryder, who is the Chairman of the Board of NEED, Dr. Herman Reid, the Executive Director and a gentleman who many of you know for his outstanding educational work in our community, Mr. Arthur Cowles, who is on the Board and an outstanding business person in our community, someone who has been a driving force in this effort and has personally committed himself to see to it that NEED survives, Mr. Alex Powell who is with the Steel Workers, a young man who works quietly behind the scenes and has served long and hard on the NEED Board, and also Mrs. Edith Reid, wife of Dr. Reid, I guess you'd call her the power behind the throne, and his son, Mr. Henry Reid. If they would all come forward to accept these gold seal copies, and I believe Mr. Cryder and Mr. Reid would like to share a few words with Council.

Mr. Cryder:

On behalf of the NEED organization and the five thousand plus NEED awardees, I'd like to accept this

resolution and thank Council for its involvement in the on-going efforts of NEED. I might mention that over the twenty years, more than \$5 million has been raised from every segment of the Pittsburgh community, large corporations, small corporations, clubs and individuals. Without this help, the NEED program could not have succeeded. Thank you very much.

Mr. Reid:

Council and visitors, on behalf of NEED, I want to express deep appreciation for your recognition of this important work. I would also like to say that, as a result of twenty years of experience, the NEED program now is being developed to be used as a national model in other major cities throughout our nation. I think this is a clear example of the kind of public and private sector initiative that can help various communities help their young people to find their place in society. Again, on behalf of the NEED Board of Trustees, thank you.

The Chair:

Thanks to all of you and congratulations.

Mr. Flaherty presents

Bill No. 2929 WHEREAS, members of City Council served as Board Members of Community Action Pittsburgh; and

WHEREAS, said members acting as directors on the Board of Community Action Pittsburgh bear a direct responsibility for the CAP Program; and

WHEREAS, CAP'S demise has resulted in the layoffs of many conscientious and dedicated employees who provided services to the poor; and

WHEREAS, the majority of these former CAP employees are minorities and females.

NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh support those jobless who have been left without any benefits and proposes the establishment of a job referral and placement service in an endeavor to aid their plight; and

LET IT FURTHER BE RESOLVED, that a copy of this resolution be directed to Ms. Melanie Smith, Director of Personnel and Civil Service, with the expressed desire that she meet with the designated spokespeople of CAP'S unemployed, Hill House, and Urban Redevelopment Authority and report to Council on the program feasibility and fiscal costs of an outplacement project.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I just want to say that I wholeheartedly agree with Councilman Flaherty that there's certainly a need for an outplacement project program, especially for CAPI employees. But I would like to know if it would be possible if Mr. Flaherty would consider this amendment to this making it to expand this outplacement program to include all Pittsburghers, especially steelworkers. I think we should have a permanent program.

Mr. Flaherty:

Well, I think that is an admirable

amendment and I would certainly support that in the form of a separate resolution but I believe that there are certain aspects of the whole CAP dilemma that need our undivided attention. There are close to approximately 160 unemployed because of CAP's demise and we are aware that negotiations are underway between the State and the Hill House. Hill House is going to assume any of the responsibilities that CAP had in the past. So, I would just want to keep the focus of CAP's problem in perspective and would hope that Council would support that.

In closing, I would just want to say that there was great publicity and fanfare approximately six weeks ago when the City came up with the funding for 170 part-time jobs. I find it somewhat incredulous that there has not been a peak in regard to the problem at CAP where a proportionate number of full-time jobs are going right down the drain. Quite a few of those jobs are jobs that took special skills. So, I would certainly hope that Council would equate the two job opportunities and act in a positive fashion on this resolution and also on the report that we receive from the Director of Personnel.

The Chair:

If I may, Mr. O'Malley, obviously Council is on record as being certainly in favor of all unemployed people gaining position somewhere. It's certainly a concern of not only Council but the entire City of Pittsburgh. The resolution is more recent and we do serve on that board and I can see the point of stating CAP and only CAP this time. But as far as unemployment goes, I think it goes without saying that all of Council would like to see everybody in Pittsburgh employed.

Mr. Flaherty:

I would just want to add one other aspect of that. Granted, we all have empathy and concern, for example, for the unemployed steelworkers. But with the employees of CAP there is a direct connection. We had a direct responsibility. We were on that Board for the purpose of providing accountability to CAP. For whatever reasons and I think there is enough blame to go around to groups and individuals other than this Council. But regardless, CAP has ended because of the lack of proper controls and accountability. I think that it is important that this Council try to focus in the belief that we had a commitment to CAP that perhaps we did not carry out in the most scrupulous fashion and now we do have an opportunity and I hope that we would be conscientious in that.

Mr. Givens:

If I might, Mr. President, I think Tom and myself, along with some other Councilpeople, have been very interested in CAP and have attended the majority of their meetings and I think we have sympathy and the actual mandates of Community Action Pittsburgh some \$6 million and how this was to affect the poor itself. I think the resolution is one that's necessary. If we look at other things that this Council has done, for example, on the Nabisco situation. What we're going to do on the DER situation. This is one that is directly responsible to this legislative body and that is the City of Pittsburgh and the Mayor and this particular Council. As recently as Friday, I talked to the Assistant Director of the Department of Community Affairs of the State of Pennsylvania who just happened to be here for the ground breaking ceremonies on the south shores as well as the north shores of the City of Pittsburgh and there is a little bit of

delaying action between the transferrings of the money from Community Action Pittsburgh over to other action agencies within the City. In the meantime, as Tom has pointed out, we have these people, some 150, that have been caught in the the void. They have lost their jobs. They have been laid off, they haven't been fired, they have been laid off because of lack of funds of money. The money is there so I strongly advocate that we do get our personnel people involved in this and we get some direct communication because, as all of us know, we have much difficulty keeping up with our own jobs and I think that our Personnel Department ought to really get someone special on this to bird dog it to its completion.

Mr. Woods:

If I may, Mr. President, I'd like to address Tom. Tom, I'm for this resolution but do you know if there's any talk with Hill House picking up all or part of these employees?

Mr. Flaherty:

It is my understanding that there is negotiations. As far as what the specifics are, I am not that close to the situation. I see us on Council as the vehicle in that we give the directive to the director of personnel to monitor those negotiations. I don't think any of us on Council really, unfortunately, have the time to enter into direct negotiations. But I think we can oversee our experts, those in Personnel, those who have experience in out-placement programs, that they take this strong desire of Council to the Hill House or to any other agency or any other program that perhaps can absorb CAP's unemployed.

Mr. Woods:

That's what I wanted to add, if you would, that we add in here somewhere that the Hill House would meet with the spokesmen for the unemployed.

Mr. Flaherty:

That's fine if you want to put that in there.

The Chair:

If I may, I believe we have them coming in for a post agenda.

Mr. Woods:

I'm adding to this resolution that the Hill House meet with —

Mr. Givens:

If I could respond, I know what some of the problems are, Ben. It's DCA and DCA has been acting through legal counsel for Community Action Pittsburgh. That happens to be Byrd Brown and Company and I think all of us know where he has been the last couple of weeks.

So, there is compassion on the part of that law firm so there is a little bit of a slow down mechanism there. What we're asking here is for our City Personnel Directors to step in and start this action, even if it takes action from our own Legal Department.

Mr. Flaherty:

I concur wholeheartedly with Councilman Woods' amendment and if it's the sentiment of Council, I think we should also add the URA, too, since the URA assumed responsibility of CAP's Weatherization Program which also

resulted in some job losses there. There still seems to be a lot of confusion as to if the URA is going to absorb some of the former CAP employees into the Weatherization Program or not. I would just offer the amendment in the final resolve after CAP's unemployed in the third line. Just add "and representatives of the URA and Hill House".

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Givens:

I'd like to make one statement for the record if I might. In regards to the URA, this has been taken up with them, they have the names of those people and they have a complete list of all the people to go to work. The complete Weatherization Program came to a complete standstill because of this. As soon as those monies are released, the URA will be able to go into action with that Weatherization Program and first priority for selection of personnel is the people from CAP.

Mr. O'Malley:

I'm in complete with my colleagues. I certainly think that as a Board Member of CAP that members of this Council should aid the unemployed CAP members all they can. But with the sixteen percent unemployment in the City of Pittsburgh, and if we're going to ask Ms. Melanie Smith to get a report to this Council on the feasibility and the fiscal cost of an out-placement program, I think we should show the same concern for all the unemployed people of the City of Pittsburgh. If Councilman Flaherty would like to keep the two separate, I will propose a resolution next Monday for a total out-placement service program.

Mr. Flaherty:

Yes, I would prefer to keep it separate.

Michelle Madoff:

I think something has been terribly overlooked here, with all due respect to my colleague, Councilman Flaherty. I supported the second year bill for discussion and I support the concept in it's entirety except there is an issue that is overlooked. As you may recall, last week I was given a resolution by some people asking that we consider asking URA and Hill House and, as a matter of fact, I believe Mr. Stone turned to Melanie Smith and said, "Will you look into it, Melanie?" and the issue was word processing training programs, that part of the CAPI money was already involved in a program. There was no money to continue the program. And I told them later that the mistake was to come to us and say what is CAP going to do as opposed to coming to Council and saying, what will Council do in the middle of word processing training programs where people can go to work, they're being given skills and training where they can get jobs to have their funds shut off that we should be looking into monies in that nature.

So, what I think it really boils down to is that the money has got to be taken over by "a responsible agency". We not going to worry about the blame or placing blame. As you say, there's enough to go around everywhere. I think we have to address, number one, the Administration. The Administration has to say whatever funds were allocated to CAP, that are no longer with CAP. As Ben Hayllar told me three years ago when we had this problem, this is not a new problem with CAP. They go out and they hire new directors. He said, "We're going to take over the program in the

City". Well, I don't care whether this Council takes it over or whether the Administration takes it over. But somebody has to take over those dollars which are already allocated to us. And we have to address that money to the programs of the people here today and not have --

The Chair:

Michelle, --

Michelle Madoff:

I am not through, Mr. DePasquale.

The Chair:

What you're saying is in Mr. Flaherty's resolution. You're only expounding it.

Michelle Madoff:

It is not in the resolution. What I'm saying is that what we need is to expedite getting the transfer of the dollars that were assigned to CAP and its administrators to the Administration to start having this program go into effect immediately. I want to know where the money is, what state of transit it is in, and I want an answer from the Mayor and from the Administration, and I want it yesterday. Then we can take all the items that you have, the out-placement project, the people who are in word processing programs, and all the other job training things will be part of that money. So, what I'm asking you, in effect, is to expand it to include an emergency letter going to the Administration including the Administration to see that those monies are transferred whether it is to Hill House or to URA or whomever. We want an answer back within a week as to where the money will be and who will be administering that program.

Mr. Flaherty asked me if I would like to amend the bill. The answer is yes. I would like to amend it.

Mr. Flaherty:

What is your language?

Michelle Madoff:

My language would be to add on a further paragraph. "And to further ask the Administration to respond within a week as to when CAPI monies will be spent to address the programs that were being addressed previously and who will be doing it and what they are doing to expedite taking control of the money and what agency will have that money."

Mr. Flaherty:

Well, I think that would be conclusive in the discussions that the Director of Personnel is going to have with CAP's unemployed and with the representative from the Hill House.

Michelle Madoff:

Mr. Flaherty, with all due respect, I don't have that much faith in Mr. Stone saying to Melanie Smith, "Get back to me with an answer." How many times have people not gotten back to you with answers? I don't think it's good enough. I think a letter has to go to the Mayor saying, "This is a crisis. You should be taking over the leadership since we can't spend that money, we can only appropriate it, and to do something to expedite this program." Have him order Melanie.

Mr. Flaherty:

Michelle, I'm afraid you're going to water down the punch with the amendment.

The Chair:

If you two are going to have a private conversation — Michelle, do you want to enter an amendment?

Michelle Madoff:

I would like to enter an amendment that says, where you have URA and Melanie Smith, enter the Administration as well.

Mr. Flaherty:

She is the Administration.

Michelle Madoff:

She really isn't. Her's is not to wonder why — She does what the Mayor tells her to do.

The Chair:

Is there a second on the amendment?

With no second, the amendment fails.

Mr. Flaherty:

I think Melanie Smith is the Administration and she isn't going to do anything of great significance that is going to be contrary to the Administration.

The Chair:

You're one hundred percent right, Mr. Flaherty. It will do no good trying to get through to her.

Mr. Robinson and then we're going to vote on the resolution.

Mr. Robinson:

Mr. President, if I might, very quickly on the resolution. I wholeheartedly support the resolution without any changes or additions. I think it's unfortunate that this Council is now attempting to address the many problems of CAP when on at least five occasions I have requested that my colleagues and the Administration sit down with CAPI staff and board to work out some of these very problems that are here today. I don't think we're doing ourselves any good or CAP any good to be eulogizing at CAP's funeral and that's what we're doing. If we were going to help in some of the areas that have been suggested here today that help should have been indicated several months ago. I do think, however, it is relevant for us to seriously look at the designation of the local agency to handle Department of Community Affairs funds for 1984. For all intensive purposes, the City of Pittsburgh is not officially involved anymore in the 1983 program except as members of this Council who serve on the Board are involved in the close-out process of those contracts we had with DCA. So, to a large extent, we're beating a very dead horse and I would hope that we would expend some of our energies toward who will be designated in 1984. The City does have a role in that process.

Also, I think it's rather obvious that the Administration of the City is not interested in officially addressing the problems of Community Action Pittsburgh. I think we ought to say that very soberly and very quietly. The Mayor has indicated he has not been involved. The Mayor has indicated he does not want to be involved. Let us leave him alone in this regard for 1983. Let us not embarrass him anymore or embarrass ourselves anymore or give out false hope to former CAP employees

that suddenly we're going to be able to solve their problems. I do think this resolution speaks to a specific problem that we can do something about and if other resolutions are needed, then I think they ought to come up separately so that we don't end up not addressing the problems of the specific people who have come to us. The individuals who want this resolution want a very specific thing which we are capable of doing. It will help them solve their immediate problem.

The Chair:

Motion to adopt the resolution with a second. The resolution is adopted.

Michelle Madoff:

Mr. Robinson, what happens to the money for 1983?

The Chair:

Michelle, you are out of order.

Michelle Madoff:

I'm always out of order, Mr. DePasquale. When I address the public's business I'm always out of order. I want to know what happens to the money in 1983. Mr. Robinson, could you answer that for the public, please?

The Chair:

Could you see her after the meeting, Mr. Robinson, and tell her?

Michelle Madoff:

Excuse me, what happened to the '83 dollars, Mr. Robinson? Do you know?

Mr. Robinson:

The Chair has indicated that he

would like --

Michelle Madoff:

The Chair always rules the people's business out of order. Thank God he won't be here.

Mr. Flaherty presented

No. 2896 Resolution providing for the issuance of a warrant in favor of Pennsylvania Utility Management Systems in the amount of \$6,646.00 for extra work performed in connection with installation of heating equipment at the City garage, chargeable to and payable from LB 82-15 (4-25-15-2050-82), City Vehicle Repair Facility, Department of Lands and Buildings. Prior approval granted by Council Bill 2700, dated March 30, 1983.

Also,

No. 2897 Resolution providing for the issuance of a warrant in favor of Fred Denig, Jr., Architect in the amount of \$690.00 and Voegelé Co., Inc. in the amount of \$15,583.00 in connection with emergency repairs to the roof at 6th Division, Public Works; aggregate cost \$16,273.00 chargeable to and payable from Capital Project LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Department of Lands and Buildings. Prior approval by Council Bill No. 2329, dated January 26, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 2898 Resolution providing for an Agreement/s for architectural/engineering services in connection with renovations at Cell Block, Public Safety Building at a cost not to exceed \$25,000.00; chargeable to

and payable from LB 83-07 (4-25-05-0070-83), No. 1 Cell Block, Department of Lands and Buildings.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2899 Resolution granting unto the Senior Citizen Center, 2038 Bedford Avenue, their Successors and Assigns, the privilege and license to construct, maintain and use at its own cost and expense two (2) planters at one entrance of their building, and gradual sloped Ramp for Meals on Wheels Carts at the other door of their building at 2038 Bedford Avenue, Fifth (5) Ward, City of Pittsburgh.

Also,

No. 2900 Resolution amending Resolution No. 1352, approved December 22, 1982, effective December 31, 1982, entitled, "Providing for an Agreement or Agreements with a Consultant or Consultants for the Inspection of Fabricated Structural Steel in connection with the P.J. McArdle Bridge, Phase II; and providing for the payment of the cost thereof," by increasing the project allocation by Fifteen Thousand (\$15,000.00) Dollars. Funds are available in Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts.

Also,

No. 2901 Resolution amending Resolution No. 216, approved March 23, 1983, effective April 11, 1983, entitled, "Providing for an Agreement or Agreements with D'Appolonia Consulting Engineers for Engineering Services in connection with the Route 51 Rockfall; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements,

and by increasing the total allocation by Forty Thousand (\$40,000.00) Dollars. Funds are available in Code Account PW 83-26, 4-01-35-0003-83, Geo-Technical Engineering Contracts - \$65,000.00.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2902 Communication from Richard M. Cosentino, Director, Department of Water, requesting authorization for Joseph Russini and Raymond Wisloski to attend the Pump Maintenance Seminar in West Mifflin, PA on May 4, 1983 at a cost not to exceed \$50.00, payable from C.A. No. 1701, Misc. Services, Administration Division, Department of Water. Use of City Vehicle is also requested.

Also,

No. 2903 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment of \$518.35 for the repair of a drill, payable from C.A. No. 1705, repairs.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2904 Resolution further amending Resolution No. 1385, effective December 31, 1980, as amended by Resolution No. 1221, effective December 3, 1982, and Resolution No. 7, effective January 13, 1983, entitled, "Providing for the letting of a contract or contracts for the construction of Southside Riverfront Park; and providing for the payment of the cost thereof," to include agreement or agreements at a cost not to exceed \$800,000.00, \$775,000.00 chargeable to and payable from Southside Riverfront

Park Trust Fund and \$25,000.00 chargeable to and payable from Project Code 4-10-10-1562-78-106-78-10, 78 CDRP, (PR 78-10) Southside Riverfront Park in the Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 2905 Resolution authorizing the issuance of a warrant in favor of the Zoological Society of Philadelphia in the amount of \$6,000.00 for payment for the purchase of a female orangutan, purchased for the benefit of the City without previous authority of law, and providing for the payment thereof. Pittsburgh Zoo Membership Trust Fund, (PZMTF).

Which was read and referred to the Committee on Finance.

Also,

No. 2906 Resolution amending Resolution No. 1225, effective December 3, 1982, entitled, "Providing for a lease or leases and/or license agreements for the use of certain property for Senior Citizens Facilities in the amount not to exceed \$80,500.00," by increasing from code account SCPTF.

Also,

No. 2907 Communication from Louise R. Brown, Director, Department of Parks and Recreation requesting interim approval for the planting of 12 evergreens in Point State Park, at a cost not to exceed \$1,890.00, payable from Code Account No. 1829, Point State Park.

Also,

No. 2908 Petition from the residents of the City of Pittsburgh requesting a public hearing to consider proposals developing special recreation and counseling programs for the unemployed and their families.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 2909 Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits, and providing for the payment of the cost not to exceed \$5,520.00, payable from Police Recruit and In-Service Training Trust Fund (PRI STIF).

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 2910 Resolution authorizing the submission of Enterprise Development Application(s) with the Commonwealth of Pennsylvania Department of Community Affairs for Financial Assistance and Area Designation.

Also,

No. 2911 Resolution amending Resolution No. 788, effective August 24,

1981, as amended, entitled, "Providing for an Agreement or Agreements with Ralph Alster for a design including the South Craig Street Commercial Area and the residential streets of Halket, Coltart, and Louisa to implement the street beautification recommendations of the Oakland Plan". Increasing the amount provided from \$30,200.00 to \$32,950.00.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 2912 Resolution providing for an Agreement/s with Saint Clair Citizens Council for services for the benefit of the City and transferring \$1,000.00 from Code Account 10, Accounts Payable Prior Years, to Code Account 1838, Misc. Services, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2913 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2914 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2915 Resolution providing for the issuance of a \$4,000.00 warrant in favor of Horace ad Frances Durham in settlement of claim for property damage as a result of the overflow of the City's main sewer line on Chartiers Avenue, charging same to Code Account No. 46, Judgments.

Also,

No. 2916 Resolution providing for the issuance of a warrant to Mary Schwetz, c/o John P. Gismondi, Esq., 808 Grant Building, Pittsburgh, PA 15219, in the amount of \$4,000.00, in full settlement of claim for personal injury when plaintiff fell over a raised manhole cover at 5th Avenue and 6th Street, Pittsburgh, Pennsylvania. Payable from Code Account 46, Judgments.

Also,

No. 2917 Resolution transferring \$200,000.00 from Code Account No. 41, Refunds - Real Estate Tax, General Fund, to Code Account RERTFA, Real Estate Refund Trust Fund Account. (Prior approval granted)

Also,

No. 2918 Communication from Richard S. Caliguiri, Mayor, requesting authorization for David Matter to attend the Spring Meeting of the Urban Land Institute in Seattle, Washington from

May 4-8, 1983, at a cost not to exceed \$1,325.00, payable from C.A. No. 1017, Misc. Services, Office of the Mayor. Prior approval granted.

Also,

No. 2919 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for George Scarpino, to attend a meeting of the Pennsylvania Rehabilitation Association in Hershey, PA on May 12 and 13, 1983, at a cost not to exceed \$250.00, payable from CETA Trust Fund, federal funds.

Also,

No. 2920 Communication from Edward A. Walkowski, Manager, Information Systems, City of Pittsburgh, requesting authorization for John O'Carroll to attend a Telecommunications Workshop Series at the University of Pittsburgh's downtown location at Kaufmann's on the afternoons of April 5, April 19, and May 3, 1983, at a cost not to exceed \$90.00, payable from C.A. No. 1043, Misc. Services, City Information Systems, Department of the Mayor.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 2921 Resolution providing for the issuance of a warrant in favor of Southwest Truck Parts in the amount of \$650.00. This warrant is necessary to refund the purchase price of their vehicle which was sold in error at public auction. Payable from C.A. 32, Refunds, Protest Towing and Storage Charges.

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Givens:

I think all of us in Council had received a letter from the Mayor dated April 27, 1983 in regards to Council Bill 2643 which is a short-term closing plant closing legislation. The Mayor indicates there were reports and taxes on penalties levied or imposed upon them or upon persons in their employ except as expressly provided by acts of the General Assembly and only the Commonwealth can do something about this.

I'd like to say, Mr. President, this legislation is proposed. I am sure, when you set the public hearing on this, and this bill will come up this Wednesday, and I'll ask that time for the public hearing, that there's going to be many questions asked, both pro and con on this bill. So, what the Mayor is saying is, in fact, might not be the final outcome of the bill and because of his legal opinion which was negative to the plant closing, I would ask, and I frame it in this perspective, Mr. President, that the framers of the Pittsburgh Home Rule Charter clearly meant to empower the City to take all the responsible action to ensure full employment of it's citizen. The Preamble to the Charter states that the purpose of this Charter, that's the Home Rule Charter of the City of Pittsburgh, is to be responsible to it's citizens. A responsible city is one which seeks to ensure that all of its citizens' needs are met and a responsible city is one which expects aggressive action from its officials towards the achievement of useful employment.

Section 101 defining Home Rule power says that the City of Pittsburgh has all Home Rule powers and may perform any function and exercise any power not denied the Constitution. The laws and the powers and the functions

are presently available to the City or may in the future become available. The powers of the City shall be construed liberal in favor of the City while the State Home Rule Act says that no Home Rule city may engage in commercial business, there is no prohibition from regulating business where essential public purposes involved present zoning codes regulating a business, the building codes, and many other ordinances this City creates for the protection and welfare of our citizens. Nowhere in the City Charter itself is there any limitations to the plant closing notification ordinance. Such an ordinance that seemed to be reasonable attempt to carry out the charges and to the Preamble of the Home Rule Charter that we're working under.

Again, I might say, Mr. President, that you will be setting that public hearing. There are people that are in this audience that are asking for possibly a night hearing in regards to this because many of our folks that we would like to be here, the people on the labor community, have to work during normal business hours and therefore generally don't have their representatives to send to this Council. That is a request from the labor community as well as others. Thank you, Mr. President.

The Chair:

If I may, Mr. Givens and other members of Council. I realize it's a very volatile issue and I permitted you to speak but actually, you were completely out of order because it's going to be presented in Committee on Wednesday and that's when it will be discussed.

Mr. Givens:

Mr. President, I missed a point and that is that we, this Council, hire legal consultants to give us the authority

that we need and the legal knowledge and background to counteract, if we say it, that from our present City Solicitor who had signed a letter and I ask at this time, Mr. President, for that action.

The Chair:

Are you putting that in the form of a motion, Mr. Givens?

Mr. Givens:

I'm putting that in the form of a motion. Yes.

Michelle Madoff:

And I'm seconding it. Let's discuss it.

The letter that the Mayor introduced, this bill is already in the record, I mean, the bill has already been introduced. We are going to have a hearing so it is not out of order. It is business that we've already addressed. Previous business. There is an opinion of the Mayor given by the Law Department. There is a letter that Councilman Givens just read. May I point out that it was written by James B. Cunningham, Executive Director of the Government Study Commission.

Mr. Givens:

I can't deny any point that it wasn't written by Mr. James Cunningham. I have been working diligently with Mr. Cunningham on this.

Michelle Madoff:

I'm discussing the motion.

The Chair:

We're not going to discuss something that's coming into Committee

this Wednesday.

Michelle Madoff:

We're discussing the motion of whether we should have some legal counsel.

The Chair:

You're out of order.

Michelle Madoff:

You are not going to railroad us. And you're not going to stall us and you're not going to run over us.

The Chair:

Clerk, call the roll.

Michelle Madoff:

Mr. DePasquale, would you respect point of order?

The Chair:

You're completely out of order.

Michelle Madoff:

I am not out of order. We are discussing --

The Chair:

You're not going to discuss anything that's coming into Committee on Wednesday.

Michelle Madoff:

The issue is should we hire counsel for Wednesday. That is the vote before us.

The Chair:

Go on with the vote, Mr. Clerk.

Michelle Madoff:

The vote before us is should we have counsel available to give us another opinion that may coincide with the one the Mayor has given.

The Chair:

Go on with the vote.

Michelle Madoff:

I support Mr. Givens' motion and I would like to make a recommendation that Mr. Hornak and John Stemper who work for the group be the attorneys hired at \$50 an hour. They're willing to split that fee.

The Chair:

Are you done?

Michelle Madoff:

No. You're done, Sir.

The Chair:

You're the most ignorant person that ever lived. Do you know that? You were completely out of order. You should have been bodily thrown out of this room.

Michelle Madoff:

It won't be the first time I've been thrown out of places better than this.

The Chair:

Like GASP threw you out too.

Go ahead, Mr. Flaherty.

Mr. Flaherty:

I was glad to see that for the sake of the proprietary reasons that Michelle said that the statement that was presented was by James Cunningham and I just want to add that Jim was the Executive Director of the Home Rule Study Commission.

The Chair:

Ladies and gentlemen, I don't think I have to say this but I think that everybody here knows that everybody in Council is very, very concerned about plant closings and is going to do everything in their power to prevent it in the future by giving a certain period of time or warning. This emotionalism I don't appreciate and it was completely out of line. I don't want you to get the impression that I'm trying to stifle anybody. It's going to be discussed Wednesday; we're going to have a hearing on the matter as everybody knows. To carry on and get emotional about it is wrong and is going to mislead everybody here.

Michelle Madoff:

There's a motion before us to hire legal counsel and it's been seconded. Are we going to vote on it or are we not going to vote on it?

The Chair:

We called for a vote fifteen minutes ago but you wouldn't shut up.

Michelle Madoff:

Don't tell me to shut up. It's the people's business and I have every right to discuss it.

The Chair:

Would you repeat your motion, Mr. Givens?

Mr. Givens:

My motion was that the Council, at this meeting, ask that we hire our own legal counsel to help us on this very serious plant closing legislation.

Michelle Madoff:

And I second it.

Mr. Flaherty:

I have a question in regard to the motion, one very concise question. Who had requested an opinion from the Solicitor?

Mr. Givens:

I did when I introduced the legislation. Upon introducing it, I asked for an opinion from the Legal Department as well as it had to go to the Mayor for his approval and he waited the full thirty days because there's creation of a department of government included within that legislation. So, I had asked for it and the submission of the bill itself.

Michelle Madoff:

Excuse me. The request for the counsel was by the group today.

The Chair:

Roll call vote.

Mr. O'Malley:

I'd just like to make one quick comment. I think it's ironic that Councilman Givens is asking for us to

hire our own legal solicitor to give an opinion on a piece of legislation that our own Legal Department —

Michelle Madoff:

It's not our Legal Department.

Mr. O'Malley:

Well, the Mayor's because a few months ago this Council asked to put up legislation that we hire our own legal attorneys or our own solicitors because many times the difference of opinions we have with the Administration and at that time, if I'm not mistaken, Councilman Givens voted against it.

Mr. Givens:

I did, Jim, because in the Constitution — We cannot have our own Solicitor.

Mr. O'Malley:

We certainly can have our own Solicitor. But I'm going to support Councilman Givens' effort but I think that that piece of legislation that Council should have their own Solicitor should certainly come up again. I vote aye.

Mr. Robinson:

Mr. President, at the risk of sounding redundant and standing on principles, I'm going to vote no and I'm going to vote no because this Council has on several occasions been presented with the opportunity to seriously, very seriously, consider whether we need additional technical help in drafting legislation and addressing issues. This Council was presented with a bill to hire our own legal counsel. The Home Rule Charter very specifically said we have the right to hire that counsel. Some of

the same rationalizations that are being used today to hire legal counsel on this specific bill were used to justify hiring legal counsel for this total counsel. If we simply take it bill by bill and issue by issue and personality by personality, we will not have enough money, I as an individual push this concept, have refused to go out and hire separate legal counsel to address the issue of minority business development in this City, even though this Council has given me authorization, because I felt that perhaps there was another way to address it, to now suggest that we're going to hire legal counsel and to suggest that we hire the legal counsel who helped prepare this legislation, is asking for a confrontation that is not going to do anyone any good. If this Council is for plant closing legislation then let this Council vote for it. If this Council is against it, let this Council vote against it. Let us not hide behind lawyers. Let us not hide behind law books. The bill is in Council. The Mayor has given us his ideas. The Mayor has given us his legal opinion from his Solicitor. Let's fish or cut bait. To delay it any longer is not to help the people who legitimately are concerned about their jobs. If this Council is serious about getting legal help to address the people's business, then let us vote for our own legal counsel who is here twenty-four hours a day. I vote no.

Mr. Woods:

Mr. President, I vote no for many of the same reasons Councilman Robinson stated. I've been consistent and I voted no every time for this and I agree with him. I'm going to vote for this legislation. There's going to be amendments and I want to wait until the public hearing. I'm going to vote for it no matter what the Mayor says or no matter what the City Solicitor says. So, I don't need an attorney to tell me whether I'm right or wrong but I'm voting

no for us hiring an attorney for this one bill like I voted no every other time.

The Chair:

I agree with Mr. Robinson and Mr. Woods. We should bite the bullet. It's our decision to make. I vote no.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Michelle Madoff
Mr. Givens	Mr. O'Malley

AYES 4	NOES 4
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VOTING NO:

Mrs. Masloff	Mr. Woods
Mr. Robinson	Mr. DePasquale (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

Mr. President, point of information.

The Chair:

That issue is closed, Michelle.

Michelle Madoff:

Point of information, it's not on the issue.

The Chair:

What's the point of information?

Michelle Madoff:

Mr. President, doesn't this Council have dollars set aside in its budget for legal counsel that are on a list of \$50 an hour? And wasn't it the rule that if any member of Council wanted to hire anybody they could come to you and you could okay it on a per issue basis? Now that bill was changed to five members of this Council and while this Council has not supported what Mr. Robinson is absolutely right in stating that we should have —

Mr. Woods:

Mr. Chairman, point of order, please. We've already discussed the motion. Mrs. Madoff is out of order.

Michelle Madoff:

I'm only trying to get on the record for the public that there is money available on an issue basis to hire counsel if we have five votes of this Council. I think that's important for people to know.

REPORTS OF COMMITTEES

Mr. Woods for Mr. Stone presented

Bill No. 2922

Report of the Committee on Finance for April 20, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2732

A Resolution entitled, "Resolution amending Section 2(a) of Resolution No. 955, approved September 24, 1982, entitled, 'Resolution authorizing the granting to the William Penn Association an option to purchase for six months, upon payment of a non-refundable option fee of \$10,000.00, certain property in the 12th Ward, City of Pittsburgh, at or near Delafield Avenue and designated as Parcels numbered 1 and 2, for the sum of \$180,000.00 and providing for the conveyance of the same', by increasing the period of option from March 24, 1983 to July 22, 1983 upon payment of the sum of \$4,000.00 to the City of Pittsburgh by William Penn Association."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	

AYES 7 NOES 1

(MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2807

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the County of Allegheny and the Private Industry Council for Pittsburgh and Allegheny County to enable Allegheny County and the City of Pittsburgh to share the joint costs of the establishment and operation of the Private Industry Council for Pittsburgh and Allegheny County and the Private Sector Initiative Program and providing for the payment of the costs thereof."

Which was read.

Mr. Flaherty:

Mr. President, in regard to Bill 2807, I move to hold for a week and the reason why I am is that I hope the members of Council will recall that I, along with some other members, have requested of Melanie Smith, Director of Personnel, to provide this Council with some background information on the Private Industry Council, specifically a very elementary request as to who serves on that Council. That was two weeks ago. She said it would be up within an hour or two hours and we still haven't received that information.

Michelle Madoff:

Do you have it, Mr. Perry? When did you receive it?

Mr. Perry:

About a week ago.

Michelle Madoff:

Did you give it to everybody?

Mr. Perry:

Yes, ma'am.

Mr. Flaherty:

I still haven't seen it.

Michelle Madoff:

I didn't see it either.

Michelle Madoff:

I move we hold it for a week. We'd like to review it. We don't see any females on it.

Mr. Flaherty:

There's a couple.

Michelle Madoff:

There are? Out of how many? It's like the BOCA Code Review. Nineteen white males.

The Chair:

Excuse me. First of all, Mr. Flaherty said that he wanted to hold. Do you still want to hold or recommit that?

Mr. Flaherty:

Yes. I'd like to recommit the bill for a week.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

Bill No. 2820

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Highway Equipment Company, in the amount of Fourteen Thousand Seven Hundred Sixty Four Dollars and Sixty Cents (\$14,764.60) in payment for Emergency Repairs to the G660 Gradall

used for general excavation; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2829

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of R & S Equipment Company, 100 Sylvan Avenue, Verona, PA 15147, in the amount of \$650.00 in payment for Purchase of Saw Blades furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2830

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of General Electric Supply Company, P.O. Box 36024-M, Pittsburgh, PA 15251, in the amount of \$1,843.73 in payment for the Repair of Power Factor Boards at Herron Hill Pumping Station furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. O'Malley

Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 2923

Report of the Committee on Public Works for April 20, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2821

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Traffic Signal Installation at Various Locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2822

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Engineering Mechanics, Inc. for Professional Engineering Services in connection with the backfilling of LRT excavation at Liberty Avenue and Sixth Avenue; and providing for the payment of the cost thereof."

Which was read.

(BEGINNING MR. STONE'S REMARKS ON BILL NO. 2822 FROM APRIL 20, 1983)

Mr. Stone:

If the Chair may on this particular bill, we are dealing with the LRT System in the City of Pittsburgh, and serving on Southwest Regional Planning Commission and as well serving on the Transportation Task Force relative to skybus and LRT, I think we need to be reminded that, had we gone skybus, we would have been riding in skybus now for three years, it would have cost us \$8 million, and right now we are not yet in the LRT System, which is an abortive skybus system. It is going to cost us already, unless it goes over that and it is likely it will, \$500 million, \$420 million more than originally estimated; and when I hear Commissioner Hunt, who was one of the biggest opponents to skybus, tell us that we will not contribute \$40 to the City of Pittsburgh for what he does or does not do in this City, and if he would like the City of Pittsburgh to disappear, I think all of us in the City of Pittsburgh would have hoped that he would have disappeared during the time of the skybus discussion, and right now we would have \$420 million in a project to spend elsewhere.

(END OF MR. STONE'S REMARKS ON BILL NO. 2822 - APRIL 20, 1983)

Also,

Bill No. 2823

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended by Resolution No. 174, approved March 10, 1983, effective March 24, 1983, entitled, 'Adopting and Approving the 1983 Capital Budget and the 1983 Community

Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating new line items and adjusting the summary totals."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 2924

Report of the Committee on Planning, Housing and Development for April 20, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2839

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1983 Community Development Block Grant Program, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2840

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Donald Norrington for the sale of Block 22F, Lot 237 in the Twenty-First Ward of the City of Pittsburgh (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 2841

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Wayman Ivey for the sale of Parcel 111 in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 2842

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the

Urban Redevelopment Authority of Pittsburgh and Michael J. Kalimon, Jr. and Beverly M. Kalimon for the sale of Parcel 20A in the Twenty-Eighth Ward of the City of Pittsburgh in Redevelopment Area No. 24 (Garden and Landscaping Business)."

Which was read.

Also,

Bill No. 2843

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between Urban Redevelopment Authority of Pittsburgh and Kenneth S. Kegley and Rocco F. Ragano for the sale of Block 19G, Lot 84 in the Twentieth Ward of the City of Pittsburgh (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 2844

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Housing Authority of the City of Pittsburgh for the sale of Block 57C, Lots 194, 199, 200, 201, 202, 203, 205 and 206 and Block 57D, Lots 1, 4 and 26 in the Fifteenth Ward of the City of Pittsburgh (Housing)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 2925

Report of the Committee on Water for April 20, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2832

A Resolution entitled, "Resolution amending Resolution No. 283, approved April 11, 1980, entitled, 'Providing for a contract or contracts for the relay of the water main in conjunction with the Improvements to the Chestnut Street Intersection; and providing for the payment of the cost thereof,' by decreasing the appropriation therein."

Which was read.

Also,

Bill No. 2833

A Resolution entitled, "Resolution

repealing Resolution No. 63, approved January 31, 1983, entitled, 'Providing for a contract or contracts for the relay of the water main in conjunction with the Improvements to the Chestnut Street Intersection; and providing for the payment of the cost thereof.'

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 2926

Report of the Committee on Parks and Recreation for April 20, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2835

A Resolution entitled, "Resolution further amending Resolution No. 1385, effective January 1, 1983, as amended by Resolution No. 121, effective March 2, 1983, entitled, 'A resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program' by increasing the amounts provided for 4-10-10-0001 (PR83-11) Rehabilitate Existing Playgrounds and 4-10-05-1480 (PR83-20) Lighting, New or Replacement of Fixtures."

Which was read.

Also,

Bill No. 2836

A Resolution entitled, "Resolution providing for agreement or agreements or the use of existing agreement or agreements for material testing or professional consultation; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 2927

Report of the Committee on Public Safety for April 20, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2868

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Ten, Building Code, Chapter 1003 Definitions, Section 1003.2 Specific Definitions by adding General Definitions and the letter "P"; Chapter 1009 Permits Certificates and Fees, Section 1009.15 Fees by increasing the categories and fees; Chapter 1013 Board of Standards and Appeals, Section 1013.01 Appeal Procedure, Deposit and Expenses by increasing such fees; Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified, Article 9 Structural Loads and Stresses by adding Section 911.3.2; Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes Specified, Article 21, by amending to include elevator, dumbwaiter and conveyor equipment, installation, maintenance and operation; Article 5, Article 6 and Article 14 of Chapter 1031 BOCA Building Code Adoption, Section 1031.02 Changes specified by changing reference cites; Chapter 1043 Land Operation Control, Section 1043.28 Permit Fees by increasing the categories and fees."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, I'd would just like to remind Council of the situation that we're going to have to address soon, and I would like Council to have some input into the process early on. As Council, is aware our Chief Magistrate, Mr. Penkower has been nominated by the Governor to fill the unexpired term of Judge Zappala on Common Pleas Court. Assuming that Mr. Penkower will be leaving in the near future to assume those responsibilities, there will be at least one vacancy on our City Court where there will not be an individual there. It seems to me that we might want to prod the Administration to move kind of quickly to identify some person to replace Mr. Penkower as a magistrate, not as a chief magistrate but as a magistrate, so that we might have a full complement of magistrates.

I think it's also important for us to perhaps to remind the Administration that some of the magistrates who are presently sitting, their terms have expired, and they have not been reappointed or replaced; and I think it would be appropriate for us to ask the Administration to make some decision on those particular individuals.

In regard to this whole issue, I think that it is important that we encourage the Administration to use this opportunity to find a minority female who can serve on our City Court. In the past when this issue has been raised the Administration has already made its decision in terms of appointees. I think now is a very appropriate time to ask the Administration to look among the many talented and skilled minority lawyers in our City and to select one. It's an untapped resource, one that is seldom tapped, and I think there are a number of fine young women in our community, minority women who would be more than happy to serve in government and certainly would be a credit to our minor judiciary.

I also think that we need to ask the Administration to move on these matters as quickly as possible in anticipation that Mr. Penkower will probably be sworn in in the not too distant future, but the primary emphasis I think has to be on finding a minority female that can be presented to this Council as an acceptable candidate to serve in our magistrate court. Thank you.

The Chair:

If I may, Mr. Robinson, I think we're being a little premature or you are in regards to Mr. Penkower. He may not be approved, and therefore, we will not have a vacancy. I would suggest that we wait until the appointment is confirmed

until we take that action.

Mrs. Masloff:

Also, Mr. President, I believe that unless Mr. Penkower gets both endorsements, I think it's unlikely that he'll be appointed.

Michelle Madoff:

Mr. President, three short issues that I'd like to bring to Council. You know there's been much conversation about Warner Cable improving, and I wouldn't want anybody to say that anything was going on hanky-panky in my office. My Administrative Assistant and her husband, the Guenthers, Harry and Carmen Guenther, have had Warner Cable for a long time, and the last seven months or so, I believe it's seven months, I'll have to check with her, they have only been billed for one-third of their service. Most of the service has not been billed. They have called them and wish it to be corrected.

Mr. Eddie Steinfeld is familiar to all of us. Someone came to his house to put in cable, and he said, "I never ordered it." They cancelled it and sent him a \$10 rebate, money he never gave them, which I'd like to give you, Sophie. Perhaps you could give it back to Warner, and his name isn't Stanfeld, it's Steinfeld.

Mrs. Masloff:

Well, the problem here, I know this problem. Mr. Steinfeld demanded some time ago that before they go through his backyard he wanted paid. They said it was not their policy to pay people for right-of-way. Now, I don't know whether this has anything to do with that or not, but I do remember that this issue came up before with Mr. Steinfeld.

Michelle Madoff:

I don't think he has a right-of-way.

Mrs. Masloff:

Yes, they had to go through his yard.

Michelle Madoff:

Well, I don't know anything about it. All I know is he doesn't want it, and they sent him a \$10 check as a rebate on a service he didn't order, and if you'd take care of it, I'd appreciate it.

Second item I'd like share with members of Council, if you'd pass this down, please, something rather interesting, very, very, short paragraph, for the record. There's a magazine called the "American City & County," April, 1983, and there's a very small blurb in that it says, "Buying used saves."

Mr. Woods, I know that my friend is to come and see you. She just hasn't had time, she's with Alice Chalmers, she's on the road, but this is the kind of thing she'll be talking to you about.

"Scottsdale, Arizona is finding that used equipment both cuts costs and improves service. The Scottsdale City Council is considering a bid award of \$108,125 for a used front-end loader and a used motor grader. Purchase of the equipment would save the city more than \$100,000 over the cost of new equipment.

"In December, 1982, the Council authorized the bid call to take advantage of the current slow equipment market. The City's Field Operations Department formed a committee consisting of heavy-equipment operators and mechanics to inspect, operate and evaluate the best

buy based on condition, prior use, maintenance, and price."

I discussed this with Mayor Caliguiri two years ago. He gave me his word he would do it. We now have the Supplies Department saying they will look at used equipment, but this committee that even the Mayor suggested to me, it's his suggestion, has never been put in effect. I wonder if you would look into that, and I will introduce a resolution to that effect. Mr. Perry, would you draft it as a resolution, formal one, please?

My last item of business. Everybody read the Pittsburgh Press yesterday, if we had time. They talk about the rats in the downtown area, and a manager at a City bar - restaurant is quoted as saying "Come to our neighborhood along Wood Street at four to five in the morning, you will see the rats running all over the place."

The Chair:

There's quite a few in the afternoon.

Michelle Madoff:

Well, it depends what building we're talking about, and what kind of rats we're referring to, and I'm talking about the four-legged ones, known as rodents. I think it is imperative that whoever handles that committee, would somebody identify —

The Chair:

You suggest we get up four, five in the morning to watch them run?

Mr. Robinson:

That's Public Works.

Michelle Madoff:

Public Works, that would be Mr. Givens. Since he's not here, can we do something about baiting and controlling the rat population in the downtown area? It can become a very serious health problem.

Mrs. Masloff:

The article says they're doing that.

Michelle Madoff:

No, they say they're starting to improve it and things will get better when they have Renaissance II in place, but I don't think we can wait, because rats multiply like rabbits.

Mr. Woods moved to excuse **Mr. Stone** for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff moved to approve the minutes of Monday, April 4, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Givens**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, May 2, 1983

No. 18

Municipal Record

ONE-HUNDRED

TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President

MICHAEL PERRY City Clerk

LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 2, 1983

PRESENT:

Mr. Flaherty

Mr. Givens

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Stone

Mr. Woods

Mr. DePasquale

(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. Givens:

I'd like to put a motion on the floor that right after we have our Pledge of Allegiance that the Councilpeople and those in the room remain standing and that we have one minute of silent prayer and meditation.

The Chair:

Would you all rise, please, and we'll have a silent moment of prayer and meditation.

I presume most of you are aware that we lost one of our better policemen over the weekend, Jack Walsh, who, I found out yesterday morning when I went over to the Stadium, had passed away in his sleep.

Especially for Jack Walsh. Thank you very much.

PRESENTATIONS

Mr. O'Malley:

At this time, I'd like to ask Mr. Frannie Walker, the Veteran of Police Association, Gabe Coheres, and Pat McNamara who is President of the Fraternal Order of Police to come up here for a few minutes.

It's an honor for me to put up a resolution honoring our veteran police officers. I think all the men and women in this room know my father and I'd like to acknowledge him at this time. Dad, will you stand up? Jim O'Malley. He's been an active police officer for the past 37 years and he just retired last August. I think he's enjoying his retirement but I think he misses the job.

Now I'd like to read the resolution.

Mr. O'Malley presents

Bill No. 2966 WHEREAS, from the beginning of our nation, law enforcement officers have played vital roles in safeguarding the rights and freedoms of our citizenry; and

WHEREAS, the Veteran Police Association, incorporated into existence since April 10, 1927, is a group of dedicated police officers striving to better conditions for the citizens of the City of Pittsburgh; and

WHEREAS, with the economy pinch so prevalent, these same men carry on with the same dedication, that the City can be proud of these officers who today hold their heads high in the belief that they performed a job well done.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh, wishes to commend the Veteran Police Association for their exceptional dedication and past commitment to the protection of the citizens and for recognition of their steadfast contributions to the excellent law enforcement we have received.

Mr. O'Malley moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Walker:

Mr. Chairman and members of City Council, on behalf of the Veteran Police Association, with great pride we honor this. I don't know if you know it or not but this is the first time in the history of the Veteran Police Association

has something like this been done. We really appreciate it, believe me, we do. I don't know if any other organization has ever come in here to thank City Council for what they have done because we need a lot of friends and I know we have a lot of friends sitting here today.

Thank you.

Mr. Coheres:

Mr. Chairman and ladies and gentlemen of Council, thank you on behalf of the Veteran Police Association and its members. The consideration and respect shown here today will long be remembered by our membership. Most of these devoted officers only ask to live their remaining years with pride and dignity. Your thoughtfulness today has restored their faith in humanity.

Thank you again and God bless you all.

Mr. McNamara:

I want to thank the members of Council. This is the first time that I can remember we're coming back to you to say thank you for giving us the \$25 for our pensioners for 1983. We appreciate it; we know it took a lot of work.

I can say to all of you that I hope you have a very successful campaign in whatever office you're running for in this coming election because we're certainly going to support you. Thank you very much.

The Chair:

Thank you Fran, Gabe and Pat. Congratulations to all the veteran police.

Michelle Madoff:

I would like to say to the veterans

that while we supported you on the \$25 for your increase in your pensions, if we have another inflation where bread goes to \$25 a loaf, it ins't going to be a one-shot deal from where I sit. We're going to fight for you again.

The Chair:

Thank you.

Mr. Flaherty presented

No. 2930 Resolution providing for the issuance of a warrant in favor of Stanely Magic Door, Inc. in the amount of \$925.00 for service and repairs to the electric doors at the Ross St. entrance of the City-County Building chargeable to and payable from LB 82-08 (4-25-15-0001-82) Renovations of Various Public Buildings, Dept. of Lands and Buildings. Prior approval granted by Council Bill No. 2533, dated March 3, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 2931 Resolution repealing Item (G) of Res. No. 189, appr. 3/21/80, for the sale of 2 vacant lots on Bernard Street, 32nd Ward, Block and Lot 96-R-98-100, to Rosetta M. Morrissey, for the sum of \$750.00. Resolution is to repeal the sale and return the hand money.

Also,

No. 2932 Resolution repealing Resolutions, approved on various dates, for the sale of properties in various wards, in accordance with Act 514, and providing for the forfeiture of hand money.

Also,

No. 2933 Resolution providing for

the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 2934 Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by changing a new line item and adjusting the Summary Totals.

Also,

No. 2935 Resolution providing for a Contract or Contracts for the E. Sycamore Street Hillside Stabilization, including necessary work on private property and other work incidental thereto, at a cost not to exceed \$500,000.00 chargeable to and payable from Code Account PW 83-31, 4-01-01-0147-83, E. Sycamore Street Hillside Stabilization.

Which were read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so they will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Mr. Givens:

This if for Sycamore Street so that we can get that opened back up.

Michelle Madoff:

Point of clarification. Mr. Perry, the bill that I introduced was on the McArdle Roadway. This is on Sycamore. They are not the same. Are there two bills on Sycamore or just one on Sycamore?

Mr. Perry:

There's two. One is a line item in the budget and the other one is for a contract.

Michelle Madoff:

And mine was on McArdle Roadway.

Mr. Perry:

Your's was on McArdle Roadway. Right.

Michelle Madoff:

But they're both relating to Mount Washington but they're both not Sycamore. Is that correct?

Mr. Perry:

That's correct.

Michelle Madoff:

May I point out, Mr. Chairman, that at the present moment, and I think we need some very quick clarification, they are allowing pedestrians to walk on Sycamore but they're not allowing cars because cars can be crushed by boulders. What would happen to a pedestrian? I think we need a guard up

there because I think it's even more dangerous and I think that's something that cannot wait even until Wednesday and I would ask that the President of Council would please speak to whoever the powers that be to make sure that we either have a policeman or have it chained off or roped off or barricaded off so that no one can walk up that area because if you can get killed in a car with a boulder, you certainly can get killed if you're walking there.

The Chair:

Thank you.

Also,

No. 2936 Resolution providing for a Contract or Contracts for the purchase of Street Lighting Equipment for Liberty Avenue from Stanwix Street to Sixth Avenue - Sixth Avenue from Liberty Avenue to Grant Street in conjunction with the LRT System; and providing for the payment of the cost not to exceed \$125,000.00. Funds are available in Code Account PW 83-03, 4-01-01-0124-83, Liberty & Sixth - Curbs, Lights and Ramps in Conjunction with LRT.

Also,

No. 2937 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Paul J. McDermott to attend a seminar on Public Works Management in Milwaukee, Wisconsin from June 6-9, 1983, at a cost not to exceed \$1,125.00 payable from Code Account 1530, Misc. Services.

Also,

No. 2938 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C.,

to attend the National Cable Television Association Convention in Houston, Texas from June 12-15, 1983, at a cost not to exceed \$1,500.00, payable from Code Account No. 1661, Misc. Services, Supplies, Repairs, Materials and Equipment.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2939 Resolution authorizing and directing City Council to appropriate two million (\$2,000,000.00) dollars from the operating budget surplus or from unencumbered bond dollars for the purpose of expediting the re-opening of McArdle Roadway, in the event that the auto emissions control bill is not passed, which would release federal funds, within 30 days from enactment of this Resolution.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 2940 Resolution authorizing and directing the Mayor to form a committee consisting of heavy equipment operators and mechanics to inspect, operate, and evaluate used equipment for purchase by the City in order to obtain the best buy based on condition, prior use, maintenance, and price.

Which was read and referred to the Committee on Supplies.

Michelle Madoff:

On that bill, the bill was prepared and there should have been an attachment. We're referring to the Scottsdale, Arizona, City Council that is now doing it and saving millions of dollars for their City. I have copies which I'll attach on Wednesday.

Also,

No. 2941 Resolution providing for the issuance of a warrant in favor of Davison Sand & Gravel Co., 3rd Avenue and 4th Street, New Kensington, PA 15068, in the amount of \$507.73 chargeable to and payable from Code Account No. 1714, Materials, Department of Water. Prior approval granted Bill No. 2790 (1983).

Also,

No. 2942 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to install certain ductile iron pipe in conjunction with extra work involved with the cleaning and cement lining of the water lines on Four Mile Run and Saline Street, at a cost not to exceed \$13,755.00 payable from Capital Budget Account No. WD-80-03.

Which were read and referred to the Committee on Finance.

Also,

No. 2943 Resolution amending Res. No. 1385, appr. 12/30/82, adopting and approving the 1983 CB and 1983 CDBG Program, approving 1983 thru 1988 CI Program, by creating new line item WD-83-22 to provide for the relay of a new 12" water main in Edwin Street

between Dornestic Street and Lapiash Road at a cost not to exceed \$300,000.00 and adjusting the summary total.

Also,

No. 2944 Resolution providing for a Contract or Contracts for the relay of water line in Edwin Street, at a cost not to exceed \$300,000.00 chargeable to and payable from Capital Budget Account, No. WD-83-22, (4-05-15-0100-83), Department of Water.

Which were read and referred to the Committee on Water.

Mr. Robinson presented

No. 2945 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 16, by changing from "RP", "C3" and "M3" to "CP" District for certain property located on the southeast corner of PENN and SHADY AVENUES, 7th Ward.

Also,

No. 2946 Resolution approving a Conditional Use under Section 993.01(a) A 14 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for authorization to construct a 5-story administrative and physician's office building on the southwest corner of LOCUST and STEVENSON STREETS, 1st Ward.

Also,

No. 2947 Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled, "Adopting and approving the 1983 Capital and Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program", by adjusting "New Project Authorizations"

for several line items.

Also,

No. 2948 Resolution amending Res. No. 167 of March 7, 1983, entitled "Providing for the filing of a Community Development statement by City of Pittsburgh with HUD for a grant in connection with the 1983 CDBG Program, so as to adjust language in Section 9 herein and transfer dollar amounts from several line items in Section 10 herein.

Also,

No. 2949 Resolution providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods, cost not to exceed \$164,229.84 payable from the 1982 CDBG Program, "Unspecified Local Option" and the 1983 CDBG Program "Unspecified Local Option."

Also,

No. 2950 Resolution amending Res. No. 599, eff. June 30, 1982, entitled, "Providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods" so as to reduce the amount provided therein from \$150,000.00 to \$115,770.16.

Also,

No. 2951 Resolution amending Section 11 of Res. No. 1549 of 1978 entitled, "Providing for the filing of an application with the U.S. Department of Housing and Urban Development for a grant in connection with the 1979

Community Development Block Grant Program", so as to reduce line item CP-79-04, "Indoor Community Facility Study" from \$50,000.00 to \$20,000.00 and further to increase line item CP-79-01 "Administration - Expenses and Services" from \$50,000.00 to \$79,000.00.

Also,

No. 2952 Resolution amending Res. No. 539, eff. June 15, 1982 entitled, "Providing for an Agreement(s) with a consultant(s) for auditing services in connection with the CDBG Program (Third Party Contracts)", so as to increase the funding authorization from \$30,000.00 to \$59,900.00 payable from Code Account CP-82-01 and CP-79-01.

Also,

No. 2953 Resolution providing for an Agreement or Agreements with the Pittsburgh Neighborhood Alliance for the implementation of the "Home Security Program", including Block Watch Organizers and the installation of locks and smoke detectors in various Community Development Block Grant Neighborhoods in the City, cost not to exceed \$240,000.00 payable from Code Account No. CP-83-05 Block Watch and Lock Programs, and Code Account No. CC-83-01 Unspecified Local Option.

Also,

No. 2954 Resolution providing for the Issuance of a Certificate of Appropriateness for work on the exterior of the commercial structure at 204 Fifth Avenue, Block and Lot 1-H-123, in the Market Square Historic District in the 2nd Ward.

Also,

No. 2955 Resolution providing for the Issuance of a Certificate of

Appropriateness for work on the exterior of the residential structure at 210 Tennyson Avenue, Block and Lot 27-G-227 in the Schenley Farms Historic District in the 4th Ward.

Also,

No. 2956 Resolution providing for the Issuance of a Certificate of Appropriateness for work on exterior of a number of residential structures in the Manchester Historic District in the 21st Ward.

Also,

No. 2957 Resolution providing for the Issuance of a Certificate of Appropriateness for work on exterior of the residential structure at 525 North Taylor Avenue Block and Lot 23-J-253, in the Mexican War Streets Historic District in the 22nd Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 2958 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 2959 Communication from Melanie J. Smith, Director, Dept. of Personnel, requesting authorization for Bernard Schneider and Carol Finelli to attend the 1983 Municipal Management Negotiators Seminar in Sharon, PA on May 25, 1983, at a cost not to exceed \$185.00 payable from Code Account No. 1100, Misc. Services.

Also,

No. 2960 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting authorization for John Knox to attend a conference by the Joint Center for Urban Studies of MIT and Harvard University in Cambridge, Massachusetts, on May 20, 1983, at a cost not to exceed \$500.00 payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Also,

No. 2961 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting authorization for himself to attend the 1983 Annual Municipal Finance Officers Association Conference on Public Financial Management and the related meeting of the MFCA Committee on Government Accounting, Auditing and Financial Reporting in Toronto, Canada from June 11-15, 1983, at a cost not to exceed \$1,400.00 payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Also,

No. 2962 Communication from John Gabriel, Director, Commission on Human Relations, requesting authorization for Sofronia Harris and Donna DiLeonardo to attend a HUD Training Seminar in Philadelphia, PA on May 17-20, 1983, at a cost not to exceed \$1,200.00 payable from the HUD-FHP Trust Fund.

Also,

No. 2963 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend the U.S. Conference of Mayors in Denver, Colorado on June 11 through June 15,

1983, at a cost not to exceed \$1,400.00 payable from Code Account No. 1017, Misc. Services, Mayor's Office.

Also,

No. 2964 Communication from Dante Pellegrini, City Solicitor, submitting a quarterly report of the settlement of small claims not exceeding \$750.00 for the First Quarter of 1983 payable from Code Account 1081, Petty Claims in excess of \$750.00 for the First Quarter of 1983 payable from Code Account No. 46, Judgments.

Which were severally read and referred to the Committee on Finance.

Michelle Madoff:

Mr. Perry, are you having an update kept, a running update, of what those costs are running us a year? We used to have it done by Mr. D'Alessandro and it was turned over to the Budget Office.

Mr. Perry:

Yes, the budget staff.

Michelle Madoff:

They are keeping it? When we have that bill on Wednesday, I would like the update of the claims under \$750, over \$750 and a breakdown of the departments, particularly the Refuse Department because that seems to be where the greatest claims are. And I would like to know also what the claims against the City have been. Well, I guess that's the claims against the City but we'll then decide if it's been numbers or repairs in the City. We also need incidents as well as dollar figures. I think it's designed that way. We designed it that way originally.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 2965

Report of the Committee on Finance for April 27, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2845

A Resolution entitled, "Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of \$1,490.22 to the Commonwealth of Pennsylvania representing initial payment required for unclaimed funds for the year 1975 pursuant to the provisions of the Deposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2807

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the County of Allegheny and the Private Industry Council for Pittsburgh and Allegheny County to enable Allegheny County and the City of Pittsburgh to share the joint costs of the establishment and operation of the Private Industry Council for Pittsburgh and Allegheny County and the Private Sector Initiative Program and providing for the payment of the costs thereof."

Which was read.

Michelle Madoff:

Mr. President, on Bill 2807, as you know in the Finance Meeting I don't know how many of us voted against the bill, not because I think the bill is a bad bill, I think it's an excellent bill, but it has been the position of this Council that we would like to have representation of City people. While the corporations being represented are City corporations who are based here nevertheless within those corporations there are City people. Very frequently in talking particularly to media people, I find that if they do not live in the City sometimes they do not feel the cut that we feel on our finger. We need to have representation on that Board. Fifty percent of the people must live in the City. Furthermore, we need a cross section of representation of women and minorities. Mr. Flaherty requested that list and that list has not been forthcoming. Under the basis of that list, I do not want to see a repetition of the BOCA Code Review Committee

where I picketed the Mayor because we had nineteen white males. I want to see some handicapped, some females, some minorities, and I want fifty percent to be City residents so they can relate to the serious fiscal problems that we have in our City that relate to providing the jobs for City residents. Thank you.

The Chair:

I don't want to dispute with you but we are only one-third of the County and when you're asking fifty percent I think that's too much.

Michelle Madoff:

Mr. President, I'd settle for one-third. But we can't even get a list. They won't tell us who the people are.

Mr. Flaherty:

I just want to respond to what our President has said. Even though as far as population we are only one-third of the County's population, I wish to point out that it is a joint study and that we are going to share the cost of the study. So, I believe that it is imperative for that reason alone that half of the members on the Committee reside in the City.

As Councilwoman Michelle Madoff has pointed out, I had requested that information at last Wednesday's Committee Meeting. It seems to me to be a very rudimentary request. We are only talking about twenty-four individuals and I can't support 2807 without that information. I think it's extremely important that our Council start to assert itself as being the legislative body and also the spokespeople for our City constituency. We are all aware of how things have gone haywire as far as the Mayor's efforts and our efforts on trying to acquire some equity as far as a commuter tax or some

kind of vehicle for generating revenue from the suburbanites who come and utilize the many facilities that fall strictly on the backs of City taxpayers. I think this is certainly a small way but certainly an imperative way that we can start on the road to equity and I in good conscience cannot support this bill knowing that there may be a possibility that the majority of the people on the Committee reside outside the City.

Michelle Madoff:

Mr. President, may I ask you a question? It was not called to my attention until just now. It says, "the County and the City of Pittsburgh to share the joint costs". Is that equally?

Mr. Flaherty:

Yes.

Michelle Madoff:

I had asked for the list and I would like to ask that the bill be held for one week, please.

Mr. Flaherty:

Yes, we had requested the information and I was told by the Director of Personnel that we would have it within a few hours. Here it is six days later and we still don't have it.

Michelle Madoff moved to recommit Bill No. 2807.

Mr. Flaherty seconded the motion.

Mr. Stone:

Mr. President, on that bill. This matter is something that's already in place. It's only a continuation. It only involves \$4,000 and we spent more than that playing around with it back and

forth. It seems to me we ought to let that Committee complete what their role is. It's only a matter of \$4,000. It's already been functioning now. This is the second year of operation. I think we ought to pass it and get it over with.

Mr. O'Malley:

I'd like to make one statement for my colleagues. I just received a list from Mr. Perry of the people that are appointed to that Board. It says on here that there are four female members including two minorities. It seems, Tom, that out of the twenty-four members, twenty of them live in the City of Pittsburgh.

Mr. Flaherty:

I don't know how you can say that because you have the corporate addresses.

Mr. Flaherty:

No, it has Miss Shelia Connolly, South Avenue, Pittsburgh; Mr. George Cox, Cox Die Company, Pittsburgh, PA

Mr. Flaherty:

Yes, companies.

Mr. O'Malley:

Oh, okay. I follow you now.

Michelle Madoff:

Shelia Connolly does live in the City. Excuse me, Shelia Connolly is leaving the country.

The Chair:

Roll call vote to recommit.

Mr. Flaherty:

I am for recommitting and I would just want to add that even though this study is a continuation, I don't think that we should continue to go along if there is an equity as far as the makeup of that study because the results of that study may not reflect in interest, an equitable interest, a fair interest for the City of Pittsburgh. I think it's absurd if we don't have fair representation on that Committee to continue to push it along and then when the results come, then it's too late if those results are not favorable to the dire straits that we now find ourselves in in the City of Pittsburgh.

I reiterate, it's about time that the City start to assert itself and not be sleeping at the switch. This is why we're in the poor financial condition we're in now. That's why we put the largest tax increase on the people in the City's history a year ago, and it's about time that members of this Council start to represent the interest of the City of Pittsburgh and not be so concerned about the interest primarily of Allegheny County.

Mr. Givens:

I think the bottom underlying thing here is to try to get new industry and new jobs here within the City of Pittsburgh. I had served on a City-County wide corporation which distributed funds and monies equally between the City and the County. Although that money could have gone either way, to the City or to the County, much of that greater share went to the City while I sat on that particular Board.

For the funds of \$4,000, I have to agree with Mr. Flaherty on this that the fact that we should not just have corporate names but these people will be serving with no pay. This joint council,

the Private Industry Council that's going to be created will be men and women sitting down trying to use their good resources and I'm sure the Mayor, in trying to secure the names that appear on this particular document that's before us, are probably ones that are the most knowledgeable in the business and want to volunteer their time.

So, without reflection upon them, I would still like to know where their home addresses are. I vote aye to hold for at least one more week.

Michelle Madoff:

May I point out that the by-laws of Penn Southwest prohibit them from bringing industry only to the City of Pittsburgh and they must bring it only to a region, southwestern part of the state.

I might also add that I echo all the sentiments that have been stated here by my two colleagues and I would also like to point out that it has been the policy of this Council to generally and most vocally verbalized by one member of this Council who is today saying, "It's only \$4,000, it isn't important", to not vote for somebody who didn't live in the City. I think that's inconsistent and I would like to point that out.

I vote to hold.

Mr. O'Malley:

I vote no. When I see people's names on here like Father Robert Duch, Assistant Superintendent of the Schools of the Diocese of the City of Pittsburgh, Ms. Margaret Tyndall, Executive Director of the YWCA of the Greater Pittsburgh area, I think it represents a good cross section of Pittsburghers and Allegheny County.

Mr. Robinson:

Mr. President and members of Council, I think that we need a little bit of clarification and I'd like to explain my vote and by way of that explanation, hopefully, add some perspective to this discussion.

First of all, this particular bill, 2807, is simply providing for the continuation of an on-going program which this Council approved some time ago. This Council approved the City's participation in the Private Industry Council of Pittsburgh and Allegheny County and when we approved that we approved the composition of the Board and this Council was well aware that the City and the County would have to share the responsibility for the Board members. The Council was constructed in accordance with federal guidelines and it was the federal government that mandated that we have this Council in order that we could utilize certain federal funds. So, the present Council is in place. The names that are before Council today are the names of people presently serving and I don't think it would do the City any good or those individuals any good for us to suggest that they be removed and new people appointed and I doubt very much if we would be within our legal rights to do that at this time. So, the Council is already in existence.

Also, I think that we should take into consideration that once this Council goes out of existence, when the funding for it goes out of existence under CETA Title 7, that the Federal Government is offering to the State and to this City an opportunity to participate in a new jobs training program, a new public sector program. At that time, this Council will have an opportunity to approve or reject whether or not the City of Pittsburgh wants to participate. And if we want to

participate, we'll have an opportunity to review those requirements that both the State and Federal Government will place on us. I think it is appropriate to raise the question of composition of the Council. I think it's relevant to raise questions as to what they're going to do and I think it's relevant as to what benefit the Council is going to be to the City of Pittsburgh.

But I think they're the right questions at the wrong time. I think what we should do is approve this bill today so that we can pay for the continuation of this Council through the end of 1983 and prior to the establishment of the new Council let the Administration know what our concerns are and to have the kind of input it seems like most members of this Council want to have. Melanie Smith, our Director of Personnel, indicated that prior to the City negotiating any agreement and prior to any legislation being forwarded to us to form a new council that she would share with Pittsburgh City Council the new requirements, the new legislation and that we would have ample opportunity for input. And I think that's fair and I think that's something that we ought to work on.

Based on what I've said, I'm going to have to vote no for recommitment.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens

Michelle Madoff

AYES 3

NOES 6

VOTING NO:

Mrs. Masloff
Mr. O'Malley
Mr. Robinson

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Roll call vote on the bill itself.

Mr. Flaherty:

I'm voting no on this bill and I would appreciate my reasons for opposition by drawn from my remarks at last Wednesday's Committee Meeting.

(BEGINNING - MR. FLAHERTY'S
REMARKS ON BILL NO. 2807 - 4/27/83)

Mr. Flaherty:

For the time being, I am in opposition simply because I don't have some extremely elementary information. As I said earlier, we are talking about a City-County committee and I believe that we are in a very crucial stage where we have to improve the repertoire between the City and the County which we are all aware of the study that came out just a few weeks ago from the Pennsylvania Economy League which predicts a very dire financial future for the City and I think it is very important since this is a joint City-County venture that this City Council, of all people, at least make sure that we have half of the people on that committee come from the City. I think

it's absurd for us not even to question this point when we have every single candidate for County Commissioner slapping us in the face and refusing to aid this City in any way through a commuter tax. It's about time someone in City Hall start to show the leadership to the County that we know how to reciprocate and we know how to get along, but we are going to want a piece of the pie and I think it's assinine for anyone on this Council to let this issue go without having the most simplistic information in front of us.

(END - MR. FLAHERTY'S REMARKS ON BILL NO. 2807 - 4/27/83)

The Chair:

Is there anv further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff	Mr. Stone
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. DePasquale
	(Pres't)

AYES 6 NOES 3

(MR. FLAHERTY, MR. GIVENS AND MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2863

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Mario DePasquale Inc., 4740 Wallingford Street, Pittsburgh, PA 15213, in the amount of \$78,634.30, in payment for Relay of Water Lines on Vinceton Street, Wabana Street and Dornestic Street furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods

AYES 8 NOES none

(MR. DEPASQUALE ABSTAINING)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2869

A Resolution entitled, "Resolution transferring the sum of \$9,900.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, Department of Police, to Code Account No. 1446-1, Investigation Expenses, Department of Police."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

I have a couple concerns, if I might. One is in reference to the Phoenix Hills Shopping Mall which has been closed for some time. As this Council is aware, the City of Pittsburgh particularly through the Urban Redevelopment Authority has made substantial contributions to the development of that shopping mall and the supermarket portion of that mall has been closed for several months due to some financial problems. It's my understanding that the Urban Redevelopment Authority is negotiating with some new owners. I'm concerned because a number of community residents in the Hill District have raised questions about whether or not that shopping center is going to re-open and what kind of commitment the City is going to still have to this effort. The

shopping mall complex probably represents the most substantive effort that this City has launched to make sure that minority business thrives in this community and I think it would be helpful if the City Clerk could contact the Urban Redevelopment Authority to find out if new operators have been secured for the shopping center, the shopping store itself, the supermarket, and when that facility is going to be re-opened and what, if any, difficulties the URA is experiencing in opening it.

The second issue relates to our Urban Homesteading Program. As Council is aware, some time ago we did pass an Urban Homesteading Program which included a gift property program. I'd like to have the Clerk contact the Urban Redevelopment Authority and Lands and Buildings to give us an update as to where we stand on signing an agreement to put this program into effect and particularly where we stand in terms of developing our gift property program of that portion of the Urban Homesteading Program which would allow persons to make contributions of property to the City of Pittsburgh. Thank you.

Mr. Givens:

Mr. President, if I might respond, is that the shopping center in the Hill?

Mr. Robinson:

Yes.

Mr. Givens:

The URA has already made a contractual agreement. With all of the funding necessary and the documents that have been signed and it's just a matter of them moving and getting the stock up to date and that was voted on two sessions ago. So, there is a

finalizing of all of their paperwork and I would think that hopefully within a few weeks the information should be forthcoming.

Mr. Stone:

Mr. President, if I may. Last Saturday I was part of a parade in the South Side of the City of Pittsburgh and it was brought to my attention that there is presently a strike pending between BFI and the labor organization. But the thing that was the problem is that someone brought to my attention that those BFI vehicles are carrying armed weapons and they're noticeable in the vehicle. I did not see them so I don't want to say that I did. But I'm told by this individual that he saw them and that that's now part of the operation.

I would suggest strongly and request strongly that we notify our Superintendent of Police that he take immediate steps to check out the veracity of this matter, number one. Number two, if armed weapons are being carried in those vehicles that we stop it immediately. This is not time for people to fight out their battles. We're paying for police and they'll carry out the peace keeping mission in the City of Pittsburgh and not individuals if that be the case. I don't want to get into the merits of their discussion. That's for them to handle in proper collective bargaining. But if anyone is carrying any weapons in a vehicle, I want it understood that we're not permitting that by anyone anywhere within the boundaries of the City of Pittsburgh.

The Chair:

Mike, get a hold of Inspector Cunningham over there and Superintendent Coll.

Mrs. Masloff:

Mr. President, I want a report on that matter that was given to me at the end of the meeting last week. The check that was reported from Mr. Stanfield who said that he never had Warner service, I want to report that Mr. Stanfield's mother paid Warner \$10 toward the installation of a cable TV. Before the installation occurred, she found she was going to move and called Warner to inform them that she no longer wanted the cable and requested that they refund the money to her son, Edward Stanfield.

In addition, I want a report on the 1100 Grandview Avenue matter. That is considered by the cable company as a condo-complex and any time they wire a complex of this sort, they automatically, as good business and for a short time, hope that everyone will sign up for everything. The residents of a complex then receive all service for a very short time. Later, within five or ten days, a team of service men go and put traps in the electronics so to halt any service that the resident doesn't sign up for. Once the trap is installed, the entire process has been completed. However, this process was followed on Grandview Avenue and the next day, when the complaint was registered here, the servicemen went out and put traps and deprived the residents of a week or ten days of free service.

I just wanted to report on that matter.

The Chair:

Thank you, Sophie.

(INCORPORATED FROM
WEDNESDAY'S STANDING COMMITTEE
MEETING OF APRIL 27, 1983)

**Mr. Stone, Chairman
Committee on Finance:**

I would like to do something that is not ordinarily done. Mr. Woods has a resolution and Members of Council, it was one that should have come up on Monday and he's asked to leave it in this agenda so that we cover it now and if there's no objections, we will permit it to be done now.

Mr. Givens:

Ben Woods and myself — he has been gracious enough to look into this and the fact that I have been working with DER to read this resolution which can be adopted today and then present it to our legislators in Harrisburg.

Mr. Givens and Mr. Woods presents

Bill No. 2967 WHEREAS, the Pittsburgh Regional Laboratory of, the Pennsylvania Department of Environmental Resources (DER) is responsible for the testing of water quality, the monitoring of pollutants in our rivers and streams and the provision of other environmental quality services necessary for the protection of health, safety and welfare of the residents of the City of Pittsburgh; and

WHEREAS, the Pennsylvania Department of Environmental Resources has recently announced its intention to close the Pittsburgh Regional Laboratory; and

WHEREAS, the closing of DER's Pittsburgh Regional Laboratory will result in the loss of six existing jobs and the loss of thirty potential new jobs to be created from federal funds allocated to the Commonwealth of Pennsylvania for the purpose of monitoring water quality, coal operations, and other possible contaminants in this region; and

WHEREAS, the decision to close DER's Pittsburgh Regional Laboratory will needlessly aggravate an already desperately serious unemployment problem in this area and make important environmental quality services inaccessible to the residents of this area.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the members of City Council of the City of Pittsburgh hereby call upon the Governor of the Commonwealth of Pennsylvania to intervene on behalf of the citizens of the City of Pittsburgh and to reverse the unwise and unjustified decision of the Pennsylvania Department of Environmental Resources to close its Pittsburgh Regional Laboratory.

Mr. Givens:

I might say here, Mr. President, that 40 percent of all homes in this country that are located within 100 miles of the City of Pittsburgh would apply to this.

Mr. Stone:

Before we take any action on this and so that we don't create Wednesdays for resolutions, the request that I did not mention was that this be incorporated in Monday's meeting. So, with that in mind, —

Mr. Givens moved to adopt the resolution.

Michelle Madoff:

Discussion. There's an error. Paragraph Three.

Mr. Stone:

Of the "Whereas's"?

Michelle Madoff:

Yes. The closing "for the purpose of monitoring coal operations in this region" that is not their purpose. The purpose is to monitor all contaminants or all possible problems in the areas. They also monitor our drinking water.

Mr. Givens:

That has been granted.

Michelle Madoff:

And as this Council may recall, five years ago when I first got to Council, about six weeks after I was here the whole East End of Pittsburgh was without water at all.

Mr. Givens:

Michelle, are you asking for an amendment?

Michelle Madoff:

I want to change that to water and other contaminants.

Mr. Givens:

We have water.

Michelle Madoff:

Where do you have water?

Mr. Givens:

Right in the first "Whereas".

Michelle Madoff:

Yes, but in Paragraph Three you say "for the purpose of monitoring coal operations in this region", but they are not here just for the purpose of monitoring coal operations. I think you

have to repeat it there.

Mr. Givens:

Are you putting that motion in?

Michelle Madoff:

Yes.

Mr. Givens:

I second the motion.

Michelle Madoff:

I am sure there are other things that they monitor, etc.

Mr. Stone:

I think the makers of the motion intended to cover their multi-faceted —

Michelle Madoff:

That's my point. They do asbestos, they do water, they do many other things.

Mr. Stone:

With that in mind, on the motion?

Mr. Givens:

So moved.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone:

Mike, part of that motion is to be added to Monday's meeting.

(END - EXCERPT FROM WEDNESDAY'S
STANDING COMMITTEE MEETING OF
APRIL 27, 1983)

Mr. Stone moved to approve the minutes
of Monday, April 11, 1983.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of Mr. Stone

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, May 9, 1983

No. 19

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 9, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

If I may, Mr. Robinson is attending the ITVA 15th Annual Conference in Toronto, Canada.

* PRESENTATIONS

Mrs. Masloff:

Mr. Colville, Mr. McCaffery and Mr. Ecker, we present this resolution to you.

Mrs. Masloff presents

Bill No. 3022 WHEREAS, Municipal, County, State, and Federal authorities have joined Variety Club officers to complete plans for the 10th Annual Law Enforcement Awards Luncheon to be held on May 18, 1983, at the Sheraton in Station Square; and

WHEREAS, officers at every level of government will be nominated for honors; and

WHEREAS, the Variety Club should be commended on its efforts to draw attention to the many law enforcement officers who work diligently in the struggle against crime.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh hereby proclaim May 18, 1983, as "Variety Club Law Enforcement Day" in honor of police officers who work above and beyond the call of duty to safeguard the rights and freedoms of our citizens.

Mrs. Masloff moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mrs. Masloff:

Gentlemen, thank you for coming.

The Chair:

Congratulations gentlemen. It goes without saying that all of Council feel very deeply towards the police of the City of Pittsburgh and the County of Allegheny. Our congratulations go to you gentlemen. Thank you.

Mr. Givens presented

No. 2968 Resolution further amending Resolution No. 316, approved April 18, 1980, effective April 25, 1980, as amended by Resolution No. 709, approved August 1, 1980, effective August 8, 1980, entitled, "A Resolution providing for a Contract or Contracts for Improvements to Chestnut Street Intersection, (PW 80-23); and providing for the payment of costs thereof," by decreasing the total project allocation by \$51,321.02.

Also,

No. 2969 Petition from the Pittsburgh Neighborhood Alliance requesting a public hearing to re-open Larimer Avenue thru to Board Street.

Also,

No. 2970 Petition from the residents and members of the 2400 Charles Street Block Club requesting stop signs be placed at the play and school bus areas of Charles Street.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 2971 Resolution authorizing and directing Pittsburgh City Council to appropriate necessary funds in the 1983 Operating Budget and the 1984 Operating and Capital Budgets for the purpose of alleviating water service line leaks, low pressure problems, and to accommodate requests for remote readers.

Also,

No. 2972 Resolution providing for the issuance of a warrant in favor of Independent Enterprise Inc., Box 221, Bridgeville, PA 15017, in the amount of \$71,100.00 for the relay of an 8" water line, chargeable to and payable from CBA WD-82-06, (4-05-20-1055-82) Department of Water. Interim approval of this work is provided through City Council Bill No. 2834 (1983).

Which were read and referred to the Committee on Finance.

Also,

No. 2973 Communication from J.T. Bruecken, Deputy Director, Department of Water, City of Pittsburgh, requesting permission for Edward Blair and Daniel McDaveney to attend an Energy Conservation Workshop in Monroeville, PA on May 24, 1983, and to use a City vehicle at a cost not to exceed \$40.00, payable from C.A. 1701, Misc. Services, Administration Division, Department of Water.

Also,

No. 2974 Communication from Richard M. Cosentino, Director, Department of Water, City of Pittsburgh, requesting interim approval for a payment not to exceed \$5,000.00 for computerized test switchgear and transformer equipment at the Highland

Pumping Station, payable from WD-81-05.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 2975 Resolution amending Resolution No. 207, effective April 11, 1983, authorizing the issuance of a warrant in favor of Thomas DiDiano Construction Co. in the amount of \$6,715.00 in payment for work performed at Paulson Avenue Swimming Pool, by increasing the amount of the authorization from \$6,715.00 to \$16,065.00, payable from the following sources: \$6,715.00 from Project Code 4-10-05-1320-75-31-7510, 75CDPR; \$8,205.36 from the Community Swimming Pools Trust Fund; and \$1,144.64 from Project Code 4-10-05-1332-78, PR 78-09, Swimming Pool Construction Rehabilitation, in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 2976 Resolution filing application/s U.S. Doi/National Park Service/Grant/Development of DPR Riverview Pool Rehabilitation Project; providing execution of grant contract for filing of requisitions/other data; approving the RPRP/providing for

required assurances; certification of authorized signatures/execution of payment vouchers on Letter of Credit for creation of RPRP TF/for deposit of funds into the TF/and payments of costs and expenses of the Riverview Pool Rehabilitation Project.

Also,

No. 2977 Resolution providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the design of Riverview Pool at a cost not to exceed \$15,000.00 chargeable to and payable from Project Code 4-10-03-1370-83 (PR83-23), Riverview Pool Design and Construction.

Also,

No. 2978 Resolution amending Resolution No. 1385, effective December 31, 1982, as amended, entitled, "A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by adding a new project, Riverview Pool design and construction at a cost not to exceed \$15,000.00.

Which were severally read and referred to the Committee on Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 2979 Resolution authorizing the issuance of a warrant in favor of George L. Alexander in the amount of \$85.00 in payment for the purchase of birds for display at the Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof.

Also,

No. 2980 Resolution authorizing the issuance of a warrant in favor of Fouts Zoological Co. Inc., in the amount of \$532.50 in payment for the purchase of birds for display at the Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof.

Which were read and referred to the Committee on Finance.

Also,

No. 2981 Resolution providing for an agreement or agreements with Robert Morris College for services in conjunction with Oktoberfest '83 and providing for the payment and reimbursements to the City by Robert Morris College; providing for the payment of the City's share of the cost and providing for the deposit of funds. The cost of the program is not to exceed \$30,000 and is chargeable to and payable from Code Account SPPTF, in the Department of Parks and Recreation.

Also,

No. 2982 Resolution amending Resolution No. 1150, effective November 14, 1980, entitled "Providing for the letting of a contract or contracts or the use of existing contracts in connection with the renovation improvements of the Children's Zoo at a cost not to exceed \$40,000.00, chargeable to and payable from the Pittsburgh Zoo, Capital

Development and Improvement Trust Fund (PZCDITF) in the Department of Parks and Recreation.

Also,

No. 2983 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting interim approval for the payment of \$700.00 for surgical sexing of birds, payable from the Aviary Trust Fund.

Which were severally read and referred to the Committee on Parks and Recreation.

Also,

No. 2984 Communication from Brother Richard Emenecker, F.S.C., Superintendent, Bureau of Cable Communications, City of Pittsburgh, submitting a report on Warner Cable Corporation of Pittsburgh Basic Service Rate Increase Request.

Which was read and referred to the Committee on Public Works.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. O'Malley presented

No. 2985 Resolution providing for the issuance of a warrant in favor of South Hills Computer Center, Inc., in the amount of \$1,830.02, for services furnished. Chargeable to and payable from the City-County Integrated Identification System Project (C-CIISP)

Special Trust Fund No. 2, Pittsburgh National Bank.

Which was read and referred to the Committee on Finance.

Also,

No. 2986 Communication from Charles Lewis, Chief, Department of Fire, City of Pittsburgh, requesting permission from Dominick J. Cimino to attend the B.O.C.A. Code Development and Educational Conference on June 26 to July 1, 1983, in Lexington, Kentucky at a cost not to exceed \$900.00, payable from C.A. 1476, Misc. Services, Department of Fire.

Also,

No. 2987 Communication from Charles Lewis, Chief, Department of Fire, City of Pittsburgh, requesting permission for Paul J. Imhoff to attend a meeting of the Association of Major City Building Officials on June 24, 1983, and the Annual B.O.C.A. Code Development and Educational Conference on June 26 to July 1, 1983, Lexington, Kentucky at a cost not to exceed \$1,200.00, payable from C.A. 1476, Misc. Services, Department of Fire.

Which were read and referred to the Committee on Public Safety.

Mr. O'Malley for Mr. Robinson presented

No. 2988 Resolution amending Resolution No. 1088 of 1981 providing for agreement(s) with West End Health Center to assist in the purchase of the building at 441 South Main Street.

Also,

No. 2989 Resolution providing for an Agreement(s) with the Ernest T. Williams Center and the Urban

Redevelopment Authority for the renovation of the community facility and day care center, at a cost not to exceed \$19,500.00. Payable from the 1983 GDBG Program ULO.

Also,

No. 2990 Resolution providing for an agreement(s) with an entity or entities knowledgeable in community organizational development for administration of a program to provide financial and technical assistance to small community-based organizations. Cost not to exceed \$150,000.00, payable from the 1983 CDBG Program ULO.

Also,

No. 2991 Resolution providing for an agreement or agreements with local development corporations for continuation of neighborhood local development activities, cost not to exceed \$30,000, chargeable to 1983 CDBG Program ULO.

Also,

No. 2992 Resolution providing for an Agreement(s) with the Neighborhood Centers Association, located on the East North Side, and the Urban Redevelopment Authority, for the construction of a community facility, at a cost not to exceed \$75,000.00. Payable from CC-83-01.

Also,

No. 2993 Resolution providing for an Agreement(s) with the United Cerebral Palsy Association, and the Urban Redevelopment Authority for the installation of an elevator to assist the elderly in using the Facility, at a cost not to exceed \$40,000.00. Payable from CC-83-01.

Also,

No. 2994 Resolution providing for an Agreement(s) with the Advanced Technology Center, Mellon-Pitt-Carnegie Corporation for local government matching funding support of the Advanced Tech. Center to identify research and development opportunities for Western PA, and provide financial packaging and technical assistance, at a cost not to exceed \$25,000.00. Payable from 1983 CDBGF, "Unspecified Local Option".

Also,

No. 2995 Resolution providing for an Agreement(s) with the Center for Independent Living for the study of wheelchair accessibility in the Downtown, Oakland and residential areas, at a cost not to exceed \$40,000.00. Payable from the 1983 Community Development Block Grant Program, "Unspecified Local Option".

Also,

No. 2996 Resolution providing for Agreement(s) with South Oakland Citizens Council, for the purchase and renovation of a structure for use as a social service center for the elderly and persons recently released from state institutions, at a cost not to exceed \$70,000.00. Payable from CC-83-01. "Unspecified Local Option."

Also,

No. 2997 Resolution providing for an Agreement(s) with the Golden Carriage, a non-profit organization, for a one-time purchase of a van to provide transportation services to elderly, at a cost not to exceed \$14,000.00. Payable from the Community Development Block Grant Program, "Unspecified Local Option."

Also,

No. 2998 Resolution authorizing the URA of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Progressive Home Federal Savings and Loan and designated as Block and Lot 14-J-280 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 2999 Resolution authorizing the URA of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Charles J. and Emily A. Johnson and designated as Block and Lot 14-J-281 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3000 Resolution authorizing the URA of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by James G. and Oranetta D. Sanders and designated as Block and Lot: 14-J-279 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3001 Resolution authorizing the URA of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Sarah Beatrice Hampton and Daisy Perdue and designated as Block and Lot 50-L-89 in

the Deed Registry Office of Allegheny County, under the NHF, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh.

Also,

No. 3002 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh - Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3003 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward - Redevelopment Area No. 27.

Also,

No. 3004 Communication from Robert H. Lurcott, Director, Department of City Planning, requesting permission for Gary Erenrich to attend a Federal Highway Administration meeting in Washington, D.C. on May 15-17, 1983, at a cost not to exceed \$400.00, payable from Code Account CTSMAP.

Also,

No. 3005 Communication from Paul C. Brophy, Executive Director, Urban Redevelopment Authority of Pittsburgh, submitting the Vacant Property Review Committee Report on 1980-1981-1982 Activities.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3006 Resolution providing for the issuance of a \$1,409.25 warrant in favor of Eva R. Mars, et al, in settlement of claim for property damage as a result of debris entering the plumbing fixtures at the Adrian Apts. from the Highland Park Reservoir charging same to Code Account No. 46, Judgments.

Mr. Perry:

This is Highland Park Reservoir.

Michelle Madoff:

Well so is the Shadyside Hospital, it's Highland Park Reservoir. I thought we had that corrected.

Mike, would you send a note to Mr. Cosentino and ask how that happened, please?

Mr. Perry:

Okay.

Mr. Stone:

It's an intro of the bill. It's only an intro of the bill.

Michelle Madoff:

I know but I just want to be sure that we don't - I won't miss it, I'll have it in my list but I want them to double check it.

Also,

No. 3007 Resolution providing for the issuance of a warrant to Norbert Moss, c/o John P. Gismondi, Esquire, 808 Grant Building, Pittsburgh, PA 15219, in the amount of \$35,000.00 (City's share) in full settlement of a lawsuit arising

from personal injuries suffered as a result of an accident on October 19, 1979, when a truck, operated by Mr. Moss, struck a bridge overpass on Dahlem Street in the City of Pittsburgh.

Also,

No. 3008 Resolution providing for the issuance of a \$1,435.34 warrant in favor of Harry Kaufman in settlement of claim for vehicle damage by a Department of Public Works vehicle, charging same to Code Account No. 46, Judgments.

Also,

No. 3009 Resolution transferring \$458,000.00 from Code Account 46, Judgments and Interest on Judgments, to the Department of Parks and Recreation's Special Summer Food Service Program Trust Fund.

Also,

No. 3010 Resolution transferring \$5,500.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1838, Miscellaneous Services, Department of Parks and Recreation.

Also,

No. 3011 Resolution amending a portion of Resolution No. 262, approved April 8, 1983, entitled, "Providing for an Agreement or Agreements with various agencies, effective April 1, 1983, for the implementation of the City of Pittsburgh's Summer Youth Employment Program and providing for the payment of the costs thereof." Increasing the authorized amount from \$2,000,000.00 to \$2,250,000.00.

Also,

No. 3012 Resolution providing for an agreement with an architect or architects for professional services in connection with the design of the Law Department entranceway and hall and providing for the payment of the cost thereof. Cost not to exceed \$1,500.00, payable from C.A. 1075, Misc. Services.

Also,

No. 3013 Communication from Edward A. Walkowski, Manager, Department of the City Information Systems, City of Pittsburgh, requesting permission for Keith LeMay and James Miserendino to attend a Systems Course in Atlanta, Georgia from May 23-27, 1983 at a cost not to exceed \$3,250.00, payable from Code Account 1043, Miscellaneous Services.

Also,

No. 3014 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting Mary Bailey and Jack Wilson, Research Analysts in the Mayor's Office to attend a two (2) day Workshop on Energy Economics and Alternative Financing being held on May 24 and 25, 1983 at the Monroeville Howard Johnson. Cost not to exceed \$60.00, payable from the Energy Task Force Trust Fund and is reimbursable from the Federal Government. Permission is requested for use of City vehicle for the trip to Monroeville.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3015

Report of the Committee on Finance for May 4, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2882

A Resolution entitled, "Resolution providing for the issuance of a warrant to Nora June Coyne, Administratrix of the Estate of James M. Burns, Sr., in the amount of \$22,500.00 in full settlement of claim for personal injury resulting in death of plaintiff."

Which was read.

Also,

Bill No. 2883

A Resolution entitled, "Resolution providing for the issuance of a warrant to Michael Louik in the amount of \$2,900.00 in full settlement of claim for property damage, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods

Mrs. Masloff

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2884

A Resolution entitled, "Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of one thousand nine hundred twenty-five dollars and seventy-five cents (\$1,925.75) to the Commonwealth of Pennsylvania representing the final payment required for unclaimed funds for the year 1974 pursuant to the provisions of the Deposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2896

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pennsylvania Utility Management Systems in the amount of \$6,646.00 in payment for extra work performed in connection with the installation of heating equipment at the City garage; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2897

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Denig, Jr., Architect in the amount of \$690.00 and Voegele Company, Inc. in the amount of \$15,583.00 totalling in the aggregate \$16,273.00 in connection with emergency roof repairs at the 6th Division, Public Works; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2905

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of The Zoological Society of Philadelphia in the amount of \$6,000.00 for payment for the purchase of a female orangutan, purchased for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2913

A Resolution entitled, "Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace warrant which was lost, stolen or inadvertently destroyed."

Which was read.

Also,

Bill No. 2914

A Resolution entitled, "Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace warrant which was lost, stolen or inadvertently destroyed."

Which was read.

Also,

Bill No. 2915

A Resolution entitled, "Resolution providing for the issuance of a \$4,000.00 warrant in favor of Horace and Frances E. Durham in settlement of a claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 2916

A Resolution entitled, "Resolution providing for the issuance of a warrant to Mary Schwetz, c/o John P. Gismondi,

Esq., 808 Grant Building, Pittsburgh, PA 15219, in the amount of \$4,000.00 in full settlement of claim for personal injuries, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Which was read.

Also,

Bill No. 2917

A Resolution entitled, "Resolution transferring two hundred thousand dollars (\$200,000.00) from Code Account No. 41, Refunds-Real Estate Tax, General Fund, to Code Account RERTFA, Real Estate Refund Trust Fund Account."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2921

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Southwest Truck Parts in the amount of six hundred fifty dollars (\$650.00). This warrant is necessary to refund the purchase price of their vehicle which was sold in error at public auction."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. O'Malley
Mr. Givens Mr. Stone
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
 (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3016

Report of the Committee on Public Works for May 4, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2860

A Resolution entitled, "Resolution amending Resolution No. 271, approved March 26, 1982, effective April 2, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the In-Depth Inspection of the Frazier Street, Davis Avenue and Shadeland Avenue Bridges; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total allocation by Thirteen Thousand Two Hundred (\$13,200.00) Dollars."

Which was read.

Also,

Bill No. 2899

A Resolution entitled, "Resolution granting unto the Senior Citizen Center, 2038 Bedford Avenue, their Successors and Assigns, the privilege and license to construct, maintain and use at its own cost and expense Two (2) Planters at one entrance of their building and gradual sloped ramp for Meals on Wheels Carts at the other door of their building at 2038 Bedford Avenue, Fifth (5) Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 2900

A Resolution entitled, "Resolution amending Resolution No. 1352, approved December 22, 1982, effective December 31, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for the Inspection of Fabricated Structural Steel in connection with the P.J. McArdle Bridge, Phase II; and providing for the payment of the cost thereof,' by increasing the project allocation by Fifteen Thousand (\$15,000.00) Dollars."

Which was read.

Michelle Madoff:

On Bill 2900, we're talking about increasing dollars for inspection of the McArdle Bridge fabrication of steel. As you know, I spent two days doing nothing more than talking to the present builder on the site, Gino Ciachetti, who is the design engineer, and American Bridge Division who is making our steel. We can be ordering the steel for the next phase of the bridge immediately now that the emissions control dollars have been released. I think the minute those dollars are released, rather than dragging the bridge out for three or four years or two years or six months extra, eight

months extra, we ought to start ordering that additional steel and testing the steel. We're going to test what we have available right now but they haven't made it yet. And they could be making the steel for the second part because the design is already available. Gino Ciachetti has already designed the third phase - Third phase steel has been approved and ready. If it goes out to be fabricated as is the existing steel on phase two, we should be testing and perhaps saving some dollars testing it all at once but I think we have to expedite and move to get things rolling. There may be a tendency on the part of the Administration and what I'm hearing is we'll go back to having one road coming down in the morning and one lane going up in the evening.

Mr. Givens:

No, no. Once the emissions control was passed, it was so described by the Chairman of the Department of Public Works and our engineering staff that they could start on both of those -

Michelle Madoff:

I just said that.

Mr. Givens:

Okay. I thought you said one way traffic each way.

Michelle Madoff:

I just said that if we do it as presently designed, we'll have one way going up and one way going down. But if we move expeditiously and start the steel for the other part of the road, they can be working underneath, there can be four contracts issued at the same time.

I'm concerned that the Administration is not going to move as

expeditiously as they can. They can be issuing four contracts at once for the four different phases. It can all be going on at the same time. They cannot work at night; they cannot have triple shifts, but they can have double shifts. I spoke to the builder and he would give us a special rate on the overtime. The only thing holding it up at that point was the emission control dollars when I tried to get Council to come up with \$2 million of its own dollars. Well, now the emission control dollars should be released shortly. We should go to the same plan as if we had come up with the \$2 million. Let's move rapidly and somebody better watchdog that.

The Chair:

I think we are moving rapidly. At least we're inspecting the steel, Michelle.

Michelle Madoff:

But we can't inspect steel that isn't build yet. It won't be ready until June.

The Chair:

Until that's done we can't approve it. I don't really follow you.

Michelle Madoff:

Mr. DePasquale, the steel that you're talking about that they're going to inspect will not be ready until something like June 7. I don't have the figure with me. We could be ordering the steel for the second portion and have it ready at the same time. The design is finished. It just needs to be ordered.

Mr. Givens:

My question to that, Mr. President, is the fact that we're moving

as expeditiously as possible. We even had all that emergency legislation before us in case the auto emissions did not come through. I can assure you there are many projects going on at the same time. McArdle Roadway is one of our high priority projects as well as the Bloomfield Bridge and some other bridges that we have here where we're cutting communities off from communities, etc.

There are certain things. You know, the Judge only released I think \$90 million of that for some \$6 billion. So, the Judge is being kind of cautious in his releasing of the various funds even at this stage. And I think he wants to look at this thing a little bit further before he releases all the funds.

So, we still have constraints and limitations. What they are, I really don't know at this time but I can assure you as the Chairman of Public Works and as the Director that I have spoken with along with the Mayor — we've had numerous meetings with the people from Mount Washington. I think now they know where we're coming from. Eight of us were on target. One was not on target. I regretfully say that we're doing everything possible to get that road open.

Michelle Madoff:

I think the one was right on target and it was me and I spoke to the design engineer, I got it from the horse's mouth. In private industry you can go out on all four phases with four different contractors if you hire an over-viewing consultant firm to overview the whole project. If we do a piecemeal it will take forever. Remember that, folks.

The Chair:

Is there any further discussion on

the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2901

A Resolution entitled, "Resolution amending Resolution No. 216, approved March 23, 1983, effective April 11, 1983, entitled, 'Providing for an Agreement or Agreements with D'Appolonia Consulting Engineers for Engineering Services in connection with the Route 51 Rockfall; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total allocation by Forty Thousand (\$40,000.00) Dollars."

Which was read.

Mr. Givens:

Mr. President if you can recall, this past Wednesday I had to step out during my committee deliberations. There is one bill that I would like to put back into Committee, both Eddie Albert and I. Eddie if you can recall had to go into the hospital. That's Bill 2901. I'd

like to put that back into Committee because I need some review on it.

Mrs. Masloff seconded the motion.

Michelle Madoff:

What's the subject matter before we recommit it?

Mr. Givens:

It's Saw Mill Run. They increased the new consultant that was on that particular rock slide fall from some \$25,000 increase up to \$65,000. Most of it deals with the plans of the original and I have to compare what the original consultant plans were compared to the second consultant plans and why weren't the first ones used. I didn't see visually by my looking at them very quickly that there was much difference between one and the other. Eddie Albert would also like to look into this a little bit further.

Mr. Stone:

Dick, I only have one suggestion for you if I may. As you're well aware, that's into a lawsuit and the Administration has asked for that thing.

Mr. Givens:

I know that.

Mr. Stone:

I would suggest that you let it through and then you try to work with them to see where it's going.

Mr. Givens:

I just have to justify the cost overrun on this particular reason. I would not like to discuss it here because of that lawsuit but I would like to look into it as to the additional cost. Period.

Mr. Stone:

The only point I'm making is that since that's a slide thing and since it's a lawsuit, they may want to do it immediately. So, I would suggest as I've suggested to you. Let it go through and then look into it rather than hold it for another ten days.

Mr. Givens:

We started looking into it but we just haven't had time to really sit down with the people from the Department of Public Works and get into it in detail. Both of us wanted to do that. Both of us did not have an opportunity last week. I just want it held for one week.

The Chair:

Is that considered an emergency, Mr. Stone?

Mr. Stone:

The whole thing is an emergency. That's the reason I'm suggesting to him to let it go through and then try to see where the problem is.

The Chair:

We tell the people on one hand we want to help them and on the other hand we're holding something.

Mr. Givens:

I have no problem approving anything. It's just that Eddie Albert has looked into this. We've started preliminary discussion but we never finalized our discussion. All I'm asking is that we have an opportunity to finalize that discussion.

The Chair:

Roll call vote.

Michelle Madoff:

You don't want it untabled?

Mr. Stone:

He wants to send the bill back to Committee.

Michelle Madoff:

He said he wanted to untable it.

The Chair:

He wants to recommit a bill.

Michelle Madoff:

I'm confused.

The Chair:

He wants to recommit 2901, Michelle.

Michelle Madoff:

Excuse me, I'm a little confused. We want to recommit the bill or we want to —

The Chair:

He wants to recommit it.

Michelle Madoff:

One week? Aye.

Mr. Stone:

I vote no and it's not being anti. I understand what he wants to do but I think that's a unique situation. I think we should go forward with it.

Michelle Madoff:

Will one week make that much difference, Mr. Stone?

Mr. Stone:

It might because there's a legal battle there.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mrs. Masloff
Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Woods

AYES 5

NOES 2

(MR. STONE AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 2934

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating a new line item and adjusting the Summary

Totals."

Which was read.

Also,

Bill No. 2935

A Resolution entitled, "Resolution providing for a Contract or Contracts for the E. Sycamore Street Hillside Stabilization, including necessary work on private property and other work incidental thereof, and to enter into any agreements necessary for the construction of this contract; and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley for Mr. Robinson presented

Bill No. 3017

Report of the Committee on Planning, Housing and Development for May 4, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2625

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11 by changing:

1. From "R4" Multiple-Family Residence District to "S" Special District certain property bounded by: BEDFORD AVENUE; MARCELLA STREET; the "R4" zoning boundary line located south of RIDGWAY STREET between MARCELLA STREET and HERRON AVENUE; a line parallel to and projecting 200 feet in a westerly direction from the right-of-way boundary line of HERRON AVENUE;
2. From "R4" Multiple-Family Residence District to "M2" Limited Industrial District all that certain property bounded by: HERRON AVENUE; BEDFORD AVENUE; a line parallel to and projecting 200 feet in a westerly direction from the right-of-way boundary line of HERRON AVENUE, and the "M2" zoning boundary line located south of RIDGWAY STREET between MARCELLA STREET and HERRON AVENUE; and
3. From "C3" Commercial District and "M2" Limited Industrial District to "R2" Two-Family Residence District all that certain

property bounded by: HERRON AVENUE; RIDGWAY STREET; Lot No. 281, Block 26-J in the Allegheny County Block and Lot System; AJAX STREET; OSAY WAY; Lot No. 231, Block 26-N in the aforesaid System; OSAY WAY and Lot No. 249, Block 26-N in the aforesaid System, 5th Ward."

Which was read.

Also,

Bill No. 2872

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 17th Ward of the City of Pittsburgh owned by Robert D. Benjamin and designated as Block and Lot 12-N-224, in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2873

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 30th Ward of the City of Pittsburgh owned by Samuel J. DeMarco and designated as Block and Lot 14-L-195, in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2874

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Edward M. Lersch and Milton V. Lersch and designated as Block and Lot 23-K-210A in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2875

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 11th and 18th Wards of the City of Pittsburgh owned by the City of Pittsburgh and designated as Block and Lots 50-D-28, 15-L-233, 15-L-235 and 15-L-236 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2876

A Resolution entitled, "Resolution authorizing the Urban Redevelopment

Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Delmar F. Thomas, Jr. and spouse, if married, and designated as Block and Lot 50-G-148 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2877

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Elizabeth Hamilton and Thomas Hamilton and designated as Block and Lot 50-G-152 in the deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2878

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Richard Sewell and Ledriane Sewell and designated as Block and Lot 50-F-82 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the

Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2879

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Dennis R. Wachter and designated as Block and Lot 50-F-85 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2880

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Alvin L. Solomon and Robert M. Solomon and designated as Block and Lot 50-F-86 in the deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2881

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to convey and the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd, 4th, 5th, 10th, 11th, 12th, 13th, 15th, 16th, 17th, 18th, and 26th Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as the Block and Lot numbers mentioned herein."

Which was read.

Also,

Bill No. 2910

A Resolution entitled, "Resolution authorizing the submission of Enterprise Development Application(s) with the Commonwealth of Pennsylvania Department of Community Affairs for financial assistance and area designation."

Which was read.

Also,

Bill No. 2911

A Resolution entitled, "Resolution amending Resolution No. 788, effective August 24, 1981, as amended by Resolution No. 594, effective July 1, 1982, and by Resolution No. 857, effective August 20, 1982, entitled, 'Providing for an Agreement or Agreements with Ralph Alster for a design including the South Craig Street commercial area and the residential streets of Halket, Coltart and Louisa to implement the street beautification recommendations of the Oakland Plan', so as to complete the design of Phase I of the Public Space Improvement Plan in the South Craig Street and Louisa Street areas, and increasing the amount

provided thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3018

Report of the Committee on Water for May 4, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2864

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the design of

water line installation on the Bloomfield Bridge and approaches to said bridges, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3019

Report of the Committee on Parks and Recreation for May 4, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2904

A Resolution entitled, "Resolution further amending Resolution No. 1385, effective December 31, 1980, as

amended by Resolution No. 1221, effective December 3, 1982, and Resolution No. 7, effective January 13, 1983, entitled, 'Providing for the letting of a contract or contracts for the construction of Southside Riverfront Park; and providing for the payment of the cost thereof,' to include agreement or agreements."

Which was read.

Also,

Bill No. 2912

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Saint Clair Citizens Council for services for the benefit of the City and transferring \$1,000.00 from Code Account 10, Accounts Payable Prior Years, to Code Account 1838, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2906

A Resolution entitled, "Resolution amending Resolution No. 1225, effective December 3, 1982, entitled, 'Providing for a lease or leases and/or license agreements for the use of certain property for Senior Citizens Facilities in an amount not to exceed \$80,500.00', by increasing the amount provided to \$94,500.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3020

Report of the Committee on Public Safety for May 4, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2909

A Resolution entitled, "Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3021

Report of the Committee on Lands and Buildings for May 4, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2857

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts in connection with Energy Conservation Improvements at the North Side Public Safety Building and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2858

A Resolution entitled, "Resolution

providing for an Architectural/Engineering Agreement or Agreements in connection with renovations at various fire stations and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2859

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Michelle Madoff:

On those bills, we had a bill on Zama Road in the 14th Ward. I wasn't sure whether it was off of Anita and I did get a message, a report — Mr. Flaherty, I've been trying to see you to report to you, you were as concerned as I was.

It turns out that it's right over the Squirrel Hill Tunnel and it is a place where we have assigned a police car. It's in the 2900 block of Fernwald, near the 2900 block of Fernwald, and the sector car is patrolling that area because it's being used as a dump.

Now, we don't know whether the people buying it plan to use it as a dump because they'll be going by a lot of residential homes. The names of the people, which is public record, who have hand money are James and Elaine Stalfa on Coltart Street in the 4th Ward. I wonder, Councilman Flaherty, would you check to find — I have a phone number but I have not been able to reach anybody there.

Mr. Flaherty:

Do you want me to hold it for a week?

Michelle Madoff:

I think it's been held. There was a move to hold it until today to find out if we could get the information today.

So, my question is, let's start watching those bills a little more carefully and —

Mr. Perry:

Excuse me, Michelle. The bill was not held. The item was still in this legislation.

Mr. Stone:

Item D on 2859.

Michelle Madoff:

It's still in there, is that right? Then I move to hold it until we find out whether that lot is going to be used as a dump, whether it's going to be in violation of what the City is trying to stop or whether they're going to use it to build something on and we don't know and let's find out before we approve it.

I move to hold that bill.

Mr. Flaherty seconded the motion.

Mr. Stone:

What are you doing, Mike? The whole bill or one —

Mr. Perry:

The whole bill.

Michelle Madoff:

Just that one item.

Mr. Perry:

We have to recommit the whole bill or delete Item D.

Michelle Madoff:

Then let's delete the one item. Is that alright, Mr. Flaherty?

Mr. Flaherty:

Yes. I move to delete Item D.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens:

What does that mean, Mike? Do they have to re-submit that?

Mr. Perry:

They submit new legislation on just D.

Michelle Madoff:

May I respectfully request, Mr. Perry, I've been trying to reach these people evening and daytime and I've had no answer. Could we send a night letter, a telegram or something, to ask the people to please contact us. We'd like to know what the property is going to be used for. The City is very concerned. The Police Department is concerned. They're patrolling that area. It will be wonderful if they're going to build a house. That would stop the dumping. That would be tremendous. But if they're buying it as a dumping site we need to know that and perhaps not permit it.

The Chair:

It's immaterial but Zama Road was named for a godfather of mine.

Michelle Madoff:

You certainly wouldn't want them dumping on your godfather's road.

The Chair:

He won't care where he is in Calvary.

Michelle Madoff:

But you would care.

Also,

Bill No. 2898

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services in connection with renovations to the Cell Block, Public Safety Building, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff

Mr. O'Malley
Mr. Stone
Mr. Woods

Mrs. Masloff

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

I would like to share with this Council that while we get answers, they're not always accurate answers. I think many of us have felt that way in this Council that we're sort of stonewalled with just any kind of an answer.

I have been getting dozens and dozens and dozens of complaints which I can document. I sent most of them to Brother Richard on Warner Cable. Brother Richard has tried to expedite, and some things he can do and some things he can't do.

Now, Mr. Eddie Steinfeld came to me and gave me a check for \$10 which I have previously shared with Council. Saying he did not order —

The Chair:

Can't we get this Steinfeld thing resolved?

Michelle Madoff:

May I finish it please.

The Chair:

I'm just curious three weeks ago —

Michelle Madoff:

And you're going to find out. He's where your uncle is. Not he is but the person that supposedly ordered it. Anyway, Mr. Steinfeld got a check for \$10, I respectfully gave it to Councilwoman Masloff. She checked it out and she was told that the reason Mr. Steinfeld got a \$10 rebate is while he didn't order Warner Cable he got a check back because his mother ordered it. Well the other evening on the trail, Mr. Steinfeld came over and said jokingly, "Where's my \$10 check?" and I said, "Eddie, Sophie Masloff pointed out that you have not ordered it but your mother order it and they were respectfully returning your \$10." Well, he was a little stunned and said, "My mother has been dead since 1946" and somebody standing nearby said, "Well, maybe she made a long-distance call and ordered it."

Obviously, we have a little problem with getting facts out of Warner and I think this is rather humorous but really get to the point. I had several calls over the weekend, which I will share with Councilwoman Masloff, on Warner where they bought a bar and a lounge right next to their business and won't put it in and a lot of people are calling my house saying, "We've ordered it, we can't get it because one person doesn't want it."

I'm just making a point that we're not getting information. We just don't get accurate information.

Sophie, may I honor you with this \$10 check to return to Warner?

Mrs. Masloff moved to excuse Mr. Robinson for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Stone moved to approve the minutes
of Monday, April 18, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of Mr. Givens

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 16, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

If I may, ladies and gentlemen, I want to elaborate in regards to the moment of silent prayer we just had. Mr. Givens made a motion a few weeks ago to have a prayer in general for the conditions of the world. Thank you.

PRESENTATIONS

Mr. Givens:

Mr. President, if I might, I'd like to call forward from the audience Suzanne Sunseri and Rosemary Palmer.

Mr. Givens presented

Bill No. 3048 WHEREAS, on May 4, 1983, a group known as Legal Advocacy for Women participated in a march from Point State Park to the steps of the City-County Building in protest of the high occurrence of delinquent child support payments; and

WHEREAS, the group presented Common Pleas Court's Family Division with a petition bearing the signatures of over 6,000 persons, calling for stricter enforcement of support payments; and

WHEREAS, there were over 3,800 civil contempt hearings last year, and the local courts have certified that there have been 2,561 cases amounting to \$7 million in unpaid support monies; and

WHEREAS, many of these mothers have to work two jobs to support their children and most of these women can qualify only for minimum training jobs that do not provide medical benefits; and

WHEREAS, these absent fathers must be made to realize the importance of paying their obligation, and the serious consequences of failing to do so.

NOW, THEREFORE,

BE IT RESOVED, that the Members of Pittsburgh City Council hereby recognize May 16 to May 21 as "Support Your Child Week" to draw attention to the serious problem of delinquent child support, and to urge the courts to impose stricter enforcement of these laws.

Mr. Givens moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens:

If you can recall several years back, there's one Judge who now sits on Supreme Court of the State of Pennsylvania who was in the Family Division who had, in fact, done this. And when people did not pay child support he threatened them with going to the County jail. At that time I think he had about a 95 or 98 percent batting record. When he left this particular Common Pleas Court and went to the Supreme Court of the state of Pennsylvania that, to some degree, has demised.

I would like to call on Mrs. Sunseri and Rosemary Palmer to say a few words on the impact and the significance of this and that this resolution will go to the Family Court Divisions as well as to our State Legislative body to see if anything can be done.

Mrs. Palmer:

My name is Rose Palmer and I am the president of LAW mother's group. We have been a support and educational group for women facing separation and divorce for four years now. Seventy-five percent of daddies are not paying child

support. Our children are hurting, really bad. Mothers are out there working anywhere from twelve to sixteen hours a day and our children are raising themselves. My two children raised themselves while I went to school and worked at a job as well. I come home and I'm exhausted and I'm tired. I don't have time for them. All I want to do is sleep. It's not fair. They're out there by themselves. These are our future adults of tomorrow. We have a couple of them coming in right now. Their daddy owes them in arrearages of over \$3,000. He has not paid child support for two years. The children's mother goes into court every three months and they review the case and nothing is being done. My ex-husband is a doctor. There's no reason for it. A lot of these men are attorneys, businessmen. Why? The only thing we're asking is that the courts enforce the law that's there.

Judge Sweet in Washington County, every third Thursday has deadbeat day. These men pay twenty percent of their arrears and make payments. Otherwise they go to jail. Washington County has not faced what we have here in Allegheny County. This is a national problem. I know it's not just here in Allegheny County. But if one judge can do it in one county, why can't our judges do it also? Why must our children suffer? Look at those little kids. It's not right. They're raising themselves while their mother is out there working and it's just not fair.

Mrs. Sunseri:

I guess my case is a little different because I have my own business, I work out of my own home. I also tend bar on the weekends. I'm probably one of the more lucky ones because I can choose the hours that I work.

I personally don't see how women can go out, make minimum wage, pay sitters — if they have two children it's an average of \$1.25 or \$1.50 per hour per child — and go to work and have taxes taken out of their pay. They're probably living on seventy-nine cents an hour.

In my case I can wait until the middle of the night until my children are sleeping and work until 2:30 or 3:00 in the morning. So, I consider myself one of the more lucky ones. I have two children. I guess that's all I have to say.

Mrs. Ostroff:

My name is Shelly Ostroff and I live in West Elizabeth. What has happened to me is my husband is an independent trucker. He was working for somebody before and then when the court decided to put a wage attachment on him, he quit that job. First he was working under the table and I brought his boss into court, I subpoenaed him to come into court, and he did state that he was working for him. After that, we had the wage attachment put on his pay and he said that he wasn't going to work for him any longer. So, his dad retired and now he has his dad's truck. He's still an independent trucker and he's saying that he's not making any money. Meanwhile, I took and I followed him for a month and I brought it into court. She showed the paper to my husband and he said, "Well, I'll just have to check my records to make sure this is right", but he didn't deny it because he knew that I had been there. I took down his loads as he had them and he was working. He got a tarp that said Jay Ostroff across it and I said, "How can you afford these things and not afford child support?" And his answer was that he took it off his expenses.

I just think it's pretty sad. He's living in an apartment with his girlfriend and one of her children and he's able to

support them. I think he should be supporting his own children. I think this is why there's so much divorce today because men can go on their way and start another family and not pay for their first family that they had.

When I got married I planned on staying married. I think if you don't want marriage you shouldn't get married. We didn't have our kids as an accident, we planned them both. We waited four years before we had our first child to make sure that our marriage was going to work. I thought it was going to work. And then we had our second child and he decided he wanted to be free after she was born. I had both kids. I want to raise my kids and I said if he would just support the kids until they both got into school and then I would get a job while they were in school. But he is making money and he's not supporting them.

At first when he went to court he was afraid of the court. After his first couple times in court, I'd say about the third time, he came out laughing. He was with a lawyer at that time and he said, "When was the last time you saw a man put in jail for not paying child support?" My lawyer walked over and said, "Well, it has been done." But it is kind of a joke because guys don't go to jail for not paying child support and I think it's a sad thing. Right now, I think if my husband was told he was going to go to jail if he didn't pay child support and he believed that he really was, he would pay child support. My husband is over \$3,000 in arrears and right now he would come up with \$3,000. Tomorrow, if he knew that he was going to go to jail. And I know that.

The Chair:

Thank you and good luck.

Mr. Givens:

Thank you, ladies, and you can be sure that the Council of the City of Pittsburgh will follow through on this and ladies and gentlemen of the audience, I think it's a very serious situation. When they say there's \$7 million outstanding for unpaid child support in Allegheny County, I think that's of very serious nature. How much can these ladies take? That's the question that we must answer and that's why that resolution was so adopted and that's why they were down here demonstrating on the City-County Building steps, to draw attention to their plight. It's one that I have great sympathy with.

Thank you very much, Mr. President.

The Chair:

Thank you, Councilman.

Mr. O'Malley:

It seems to be a very sad day today in City Council. I'd like to call Ann Pride up, Carmen Anderson and Marlene. Come up to the microphone please.

This is a resolution commending Pittsburgh Action Against Rape for the excellent work they've done in Pittsburgh for the past number of years. It's one of the few places that women and children who have been sexually abused can go for counseling and for help. In the article that was passed out to my colleagues, it shows where their funding has been cut.

Mr. O'Malley presents

Bill No. 3049 WHEREAS, for ten years, Pittsburgh Action Against Rape has provided services within Allegheny County to adults and children who were

victims of sexual assault, sexual abuse, and incest; and

WHEREAS, the number of sexual crimes has been increasing rapidly, and the number of sexual assaults against children under ten has increased ninefold in the past five years; and

WHEREAS, Pittsburgh Action Against Rape has established a comprehensive counseling program for sexually abused children; and

WHEREAS, despite the increase in sexual crimes against children, the Pennsylvania Coalition Against Rape, which funds Pittsburgh Action Against Rape, has cut its appropriation by more than \$55,000.00; and

WHEREAS, the organization's therapy program for child victims faces cutbacks and possible extinction unless administrators can raise thousands of dollars by this summer, and PAAR'S director indicated that unless \$100,000.00 is raised by July, ALL of their programs will be cut; and

WHEREAS, there is no other program in the Tri-State area that offers the same quality of therapy as Pittsburgh Action Against Rape.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby commend Pittsburgh Action Against Rape for its fine services to victims of sexual abuse, and strongly urge the Pennsylvania Coalition Against Rape to continue funding this worthy and much-needed service.

Mr. O'Malley moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I'd like to offer this to Ann Pride and I'd like to have Ms. Pride who is the Director of Pittsburgh Action Against Rape say a few words.

Ms. Pride:

Thank you very much. I am delighted to be here before you. I want to tell you a little bit about Pittsburgh Action Against Rape. I'll be brief but I wanted to tell you a little more specifically about some of the people who are coming to see us.

We're now in our eleventh year. When we first started as an all volunteer group eleven years ago, about 100 people came to us over the first couple of years. We thought that was a lot of people. Most of those people were rape victims. They were all residents of the City or some of them from the County. Last year, in 1982, over 1,462 individuals sought either crisis intervention or counseling from Pittsburgh Action Against Rape. One thousand twenty-nine of those individuals were victims - victims of sexual assault, rape, incest. Four hundred thirty-two of those individuals were family members of those victims also who came to us for support and for counseling. Five hundred and thirty-seven of those were victims of rape, but another four hundred ninety-two were children. They were victims of child sexual assault. Forty-seven were under the age of four years old. Sixty-two were at least five but under the age of eight. Another eighty-three were between nine and twelve and another one hundred nine were either thirteen or fourteen.

We have seen an incredible increase in our statistics. We had a

twenty-three percent rise in clients last year. We had a fifty-seven percent rise in clients the year before. Unfortunately due to that, our budget has grown. It's grown rather radically as we have had to add new volunteer services and counselors to be able to afford the services that these clients need.

We appreciate the support that we've had from City Council before through your resolutions. I appreciate the opportunity today to say thank you to all of those who joined us on Saturday at a very successful walkathon that brought in people from all over the City and potentially has raised almost \$10,000 for us. We thank you for your support. We thank you for your support of us and particularly of the women and the children and the hundred men that we supported through our service last year.

Michelle Madoff:

Ann, how much money are you going to be short in order to stay alive?

Ms. Pride:

We have traditionally raised about \$60,000 which we had planned on raising before. We were cut an additional \$56,000. So, at this point we have cut our budget back to the point. Everyone on our staff has taken a salary cut. Some people have been left go. We need to raise \$100,000 to stay operational and to be able to offer just about all of the services that we had before.

Michelle Madoff:

Where do you traditionally get your money?

Ms. Pride:

A great deal of our money comes from individuals, from things that our

volunteers provide like the walkathon, bingos, tag days and also from corporations. Pittsburgh's corporations and foundations have been very good to us.

Michelle Madoff:

How much do you think you're going to need to get through the rest of this year other than what your commitments are from industry at this point? Or do you have any commitments?

Ms. Pride:

At this point we're working on commitments now.

Michelle Madoff:

I see this bill that Councilman O'Malley has. That is being introduced today and will come up on Wednesday. We'll waive Rule 8 and then we can vote on it Monday. You've checked with the Finance Department to be sure that the money will be there? I want to be sure this is funded as I know you do.

Mr. O'Malley:

I'll explain that when Ms. Pride is through.

Michelle Madoff:

Thank you.

Ms. Anderson:

In addition to the direct services that we provide our clients, we also work very hard at prevention and education in the community. We offer a wide variety of programs to do this. We have several programs for adults that we do from personal safety for adults to personal safety to senior citizens. As an example

of that we recently conducted a series of eleven seminars in the senior citizens facilities under the auspices of the City of Pittsburgh. We're presently participating in Renaissance East at the health fair each day this week. A variety of efforts such as that in terms of prevention, community education. It's our belief that a well informed community is a safer community. And that's one of our goals in that area.

We also offer a variety of in-service type training programs for professionals, mental health professionals, law enforcement professionals, programs of that nature. Probably our greatest demand, however, is for our educational programs for children. We do literally hundreds of those and speak to literally thousands of children in the City of Pittsburgh. We do programs just about daily in this area. We speak to kindergarten through high school through college, on the level that they are, about personal safety. And then as we progress with age and mental ability, we get into things like sexual assault. But our main emphasis is personal safety and things that individuals, from the youngest to the oldest, can do in terms of being safe. We do see a large number of very young people who are sexually abused. We also see a large number of older people and just about every age range in between.

PAAR also has a very strong commitment to community outreach. By that we mean that we want to make sure that our services are available to anybody in the Pittsburgh area that might be in need. We want to be seen as a viable alternative in a time of stress or in a time of crisis. We also want to be called upon for educational programs so that we can talk about prevention and being safe.

Thank you.

Marlene:

I'm here, not as a worker for PAAR but as a victim, not me but September of last year, I found out that my fourteen year old daughter had been sexually abused by her father for nine months prior to that. The psychological damage, the emotional physical damage can't be measured. The damage that it did to the complete family can never be measured. At the time, my ex-husband and I were separated and in the process of being divorced. He is also an alcoholic and we were coping with his alcoholism, the family being torn apart, and my fourteen year old had to cope with her father jumping into bed with her when I was out working. We also had to cope with my ten year old son not being able to accept that the father that he loves and worships could do something like this to his sister.

I don't know today where I would be — probably in jail because my first instinct was to kill him. I can truthfully say that my second instinct today is I'm a little better but I still would like to kill him.

Please, I don't ask, I beg of the Council to please consider the funds. The organization has truly saved my family and saved my children's lives and put them back together where psychologically they're better, emotionally they're better, and because of PAAR we're going to be alright.

Thank you.

Mr. O'Malley:

When I first read that PAAR's funding was being cut in the newspaper, which I cut out and passed out of copy to all the members, I just begin to wonder sometimes if our priorities are in the wrong place. When the funding from a

program whose primary goal is to help and support sexually abused women and children then I begin to wonder that sometimes this Council is the last resort that people have. This Council has always been responsive to the needs of people and I think it's our duty here today to be responsive to the needs of people who can at least help themselves — that's our young children. I just urge my colleagues to read over the legislation that I'm going to introduce today and the legislation reads, "That the Mayor and the Director of the Department of City Planning are hereby authorized to enter into an agreement or agreements approved by the City Solicitor with Pittsburgh Action Against Rape for professional service in connection with their counseling program for sexually abused children in the amount not to exceed \$50,000 chargeable and payable for the 1983 Community Development Block Grant Funds."

We've checked with our Finance Department and the money is available. We've put it through the Solicitor's Office and it is legal. So, I just urge my colleagues to give this a great deal of thought and hopefully we'll support this and pass it in the next ten days. Thank you.

The Chair:

Good luck, ladies, and I think we should commend that one young lady for having the courage to say what she said. I know I couldn't do it.

Mr. Robinson:

Mr. President and members of Council, it's a distinct pleasure and honor today to offer a resolution on behalf of the Chadwick Civic League and if the President of the League, Mr. James Williams would come forward, I'd like to read this resolution and ask that Council

so adopt it.

Mr. Robinson presents

Bill No. 3050 WHEREAS, The Chadwick Civic League has devoted its energies and resources to the development and improvement of the Lincoln-Lemington community of Pittsburgh since 1955; and

WHEREAS, the Chadwick Civic League has been in the forefront of the City of Pittsburgh's commitment to improve its neighborhoods, and especially those with active, resourceful community organizations; and

WHEREAS, the Chadwick Civic League has initiated and participated in numerous civic and cultural activities in the Lincoln Avenue area and was primarily responsible for raising more than \$300,000.00 to construct a multi-purpose recreation center in the Lincoln-Lemington community and strongly supported the development and expansion of the Lemington Home for the Aged; and

WHEREAS, the Chadwick Civic League is the organized expression of the community's will to survive and prosper.

NOW, THEREFORE,

BE IT RESOLVED that the Council and the Mayor of the City of Pittsburgh does recognize and honor the Chadwick Civic League on the occasion of their 28th Anniversary and offers the encouragement and resources of the City of Pittsburgh in the development of the Lincoln-Lemington community.

Mr. Robinson moved to adopt the resolution.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Robinson:

Right before Mr. Williams makes his presentation, I'd just like to indicate that the gentleman you see standing here today, Mr. Doc Fielder, Father McIlvane and Mr. Williams, I think represents a true spirit of cooperation that we don't often find in many of our communities. While we often times here complaints from communities, I think the people who live in the Lincoln-Lemington area have demonstrated a dedication to work together, have always come to this Council as a solidified community and have always been able to present to us very clearly and concisely what their concerns are. I think these three gentlemen are to be commended for being able to work together on behalf of their community. This 28th anniversary of the Chadwick Civic League is just one more testament to some of the great organizations we have in this community and some of the dedicated people.

Mr. Williams:

President of City Council, members of Council and friends, I'm here this evening to bring you greetings from Chadwick and to say thank you to this Council for I have always found a friend here. I've been coming to Council since Mayor Barr was mayor and I have found people sympathetic to our needs and our desires all of this time. One of the finest ladies that ever served on this Council was Mrs. D'Ascencso and God knows she was a friend to us.

I thank you all this evening for this resolution and bless you all.

The Chair:

Thank you, Mr. Williams.

Mr. Robinson:

Mr. President, if I might, I'd just like to indicate that there is a history of the Chadwick Civic League that I have in my hand and I'd like to have this included in the record following the resolution. Thank you.

The Chair:

Thank you, gentlemen and Councilman Robinson.

HISTORY OF CHADWICK CIVIC LEAGUE

The history of the Chadwick Civic League is living proof of the adage that the strength of Pittsburgh is in the strength of its neighborhoods. Founded in the spring of 1955 by concerned residents of the Lincoln-Lemington area of the City of Pittsburgh, the League has steadily built on its twenty-eight year commitment to the improvement of this neighborhood.

The League has remained true to the words of its 1964 Common Pleas Court Charter that it exists "... to maintain and foster in the community an interest in civic, social and cultural affairs and to work with public and private agencies and with individual residents for community betterment." From a handful of citizens who met in a garage in 1955, the League has grown to an organization of over 300 members. Operated as a nonprofit community organization the League enjoys the status of a tax exempt organization under section 501-c3 of the Federal Tax Law.

The Lincoln-Lemington community has been a neighborhood in transition over the last twenty-five years and the activities of the League over this period reflect its determination to insure

that this transition not become the deterioration of this neighborhood. Street crime can spell the doom of a community. The Chadwick League has fought a continuous battle with City Hall to guarantee adequate police protection in the neighborhood.

The League has insisted that the physical assets of the community should not crumble from neglect. Street repair and repaving, the installation of better lighting and the removal of debris from vacant lots have been an ongoing agenda for the League. One of the earliest victories was to get the City to install a concrete stairway between Lemington Avenue and Somerset Street across from Oberlin Street. This stairway provided a safe pedestrian access where none existed before.

Sometimes to save a neighborhood it is necessary to prevent certain types of development. The Chadwick Civic League achieved the near impossible when it prevented the opening of a State Liquor store at the corner of Lemington and Lincoln Avenues. The League has also blocked the opening of additional taverns in this area.

The League received the Citation for Excellence by the Tuberculosis League of Pittsburgh for its sponsorship of a community chest x-ray project. A favorite of the community was the Annual Community Picnic sponsored by the League which featured an enjoyable day of rides, free ice cream, milk, a host of games, contests and prizes for the children.

The work of the Chadwick Civic League has not been confined to large scale projects. The League has shown its true spirit when it has rallied to aid a family recently burnt out of their home or another neighbor faced with a sudden misfortune. The League has worked on

the principle that first and foremost a neighborhood is its people.

The crowning achievement of the Chadwick Civic League has been the construction of first, the playground that is bordered by Oberlin and Mingo Streets and then the community recreation center on that property. The League first petitioned the City to build the Belmar playground in 1959. After nearly a decade of work and the support of City Councilwoman Irma D'Ascencso, the Belmar playground was dedicated on September 24, 1968. An unused ravine, marked by sewage, had converted into a magnificent recreational area for the entire community.

The League recognized that the community needed more than simply a playing field. To truly involve the community a facility that all could use was needed. The Chadwick League took upon itself the task of raising the funds necessary for this noble project. In spite of the tremendous odds against success, the League pressed forward appealing to individuals, foundations and anyone who would listen. Years of hard work yielded one of the true miracles of community activism in modern Pittsburgh. Over \$320,000 was raised and construction of the recreation center was completed. It stands today as a symbol of what a community can do if it organizes and remains steadfast in its objectives. The League turned the Center over to the City of Pittsburgh which named the park and the facility the "Chadwick Park and Center" in honor of the organization that realized its dream.

The Chadwick League, however, did not fade into the background after this extraordinary feat. The work of defending and improving the Lincoln-Lemington community goes on. Recently, the League has been involved in several community projects: it

worked to insure that the Lemington Home for the Aged expansion project enhanced the community's values; representatives of the League have attended zoning board hearings to prevent conversions of single family dwellings into apartments; and the League worked closely with the management of the new Open Pantry at Lemington and Lincoln Avenue to insure that this establishment would operate for the maximum benefit of the community. The task of achieving "community betterment" is never ending.

The Chadwick Civic League is the organized expression of the community's will to survive and prosper. Yet even such an organization as this could not have succeeded without exemplary leadership. The League has been blessed with truly exceptional leadership over the years. From its inception it has had only two presidents: James Williams, now a retired postal worker, was president from 1955 to 1978 when Jack Kelly served a one year term. Jim Williams resumed the presidency in 1979 and still serves in that capacity. The inspired leadership of Jim Williams stands as a testament to the rewards of vision.

(END OF INSERT)

Mr. Givens presented

No. 3023 Resolution providing for a Contract or Contracts for Wall Reconstruction of Windom Street at Lauer Way, including necessary work on private property and other work incidental thereto; and providing for the payment of the cost thereof. Total cost is \$175,000.00.

Which was read and referred to the Committee on Public Works.

Mr. O'Malley presented

No. 3024 Resolution providing for an Agreement or Agreements with Pittsburgh Action Against Rape for professional services in connection with their counseling program for sexually abused children in an amount not to exceed \$50,000.00, chargeable to and payable from the 1983 CDULO, Project No. 4-40-05-0500-83-914-83-35.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Also,

No. 3025 Communication from Robert J. Coll, Jr., Superintendent, Department of Police, requesting John Mook and Eugene Zielinski to attend a "Fire/Arson Investigation Course" at the National Emergency Training Center in Emmitsburg, Maryland from July 10-29, 1983, at a cost not to exceed \$425.00, payable from C.A. No. 1454, Education and Traveling Expenses, Department of Police.

Also,

No. 3026 Communication from Charles Lewis, Chief, Department of Fire Prevention, requesting authorization for Henry Hegerle and Coleman Conroy to attend an Electrical Code Seminar sponsored by the Middle Department Inspection Agency at the Sheraton South

Hills on June 30, 1983, at a cost not to exceed \$220.00, payable from C.A. No. 1476, Miscellaneous Services, Department of Fire, Bureau of Building Inspection.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3027 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 6 by changing from "M4" Heavy Industrial District to "AP" Planned-Commercial Residential Unit Development District certain property located on the northerly side of Railroad Street between Twenty-Third and Twenty-Fourth Streets, 2nd Ward.

Also,

No. 3028 Resolution providing for an Agreement(s) with the Oakland Planning and Development Corp., Inc. for the City's share of funding for the continued involvement and execution of revitalization programs and projects in the Oakland community, at a cost not to exceed \$60,000.00. Payable from CP-83-07, Oakland Plan Implementation.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3029 Resolution providing for an Agreement(s) with the Port Authority of Allegheny County for continuation of the Hill District and Oakland Loop Bus from May 1, 1983 through April 30, 1984, at a cost not to exceed \$200,000.00, payable from the 1983 Community Development Block Grant Program "Hill/Oakland Loop Bus," Department of City Planning (CP-83-11).

Also,

No. 3030 Resolution amending Resolution No. 589, effective July 2, 1981, as amended, entitled, "Authorizing a Cooperation Agreement or Agreements between the City of Pittsburgh and the URA of Pittsburgh for the utilization and implementation of the various programs so as to increase the amount allocated for the "Hill District Project Area Committee - Consulting Services" from \$100,000.00 to \$135,000.00; payable from the 1983 Community Development Block Grant Program, "Unspecified Local Option," Project No. 4-40-05-2009-81-904-83-35.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3031 Resolution providing for the issuance of a warrant to Irene Ray McCoy, parent and natural guardian of James Ray, a minor, c/o Donald I. Shrager, Esquire, 822 Frick Building, Pittsburgh, PA 15219 in the amount of \$4,925.00 in full settlement of a claim for personal injuries and providing for the payment thereof.

Also,

No. 3032 Resolution providing for the issuance of a warrant in favor of Moore Business Forms, Inc., P.O. Box

7777-W5220, Philadelphia, Pennsylvania 19175, in the amount of \$6,220.48 in payment for City and School District of Pittsburgh Individual Earned Income Tax Return Forms and Instruction Booklet for year 1982; furnished for the benefit of the City; and providing for the payment thereof. Payable from C.A. No. 1064, Supplies and Materials, Department of Finance. Prior approval granted by Council Bill No. 2886, dated May 4, 1983.

Also,

No. 3033 Resolution providing for the issuance of a warrant in favor of James L. Smith Insurance Agency, Three Parkway Center, Pittsburgh, PA 15220, in the amount of \$3,000.00 in payment of Self Insurer's Bond for Workmen's Compensation for the period April 26, 1983 to April 26, 1984 and providing for the payment thereof. Payable from C.A. No. 44, Worker's Compensation, Department of Finance.

Michelle Madoff:

What is a self-insured bond, Mr. Stone?

The Chair:

It's self explanatory.

Mr. Stone:

It's self-insured. We're insuring it.

Michelle Madoff:

For what bond? For what item?

Mr. Perry:

Workmen's comp for \$200,000, Michelle.

Michelle Madoff:

Who are we paying this to?

Mr. Perry:

James L. Smith Insurance Agency.

Michelle Madoff:

I'm a little bit confused. Aren't we putting our own money into paying off the workmen's comp debt? What is this bond insurance for? I have some real concerns about it. It appears that our workmen's comp is no longer \$40 million, it's now \$60 million.

The Chair:

We'll discuss it Wednesday in Committee.

Mr. Stone:

We have the bond at \$200,000, Mike?

Mr. Perry:

Yes.

Michelle Madoff:

I'm sorry, I didn't hear that.

Mr. Stone:

We're going to bond \$200,000.

Michelle Madoff:

I'm sorry, I still did not hear what you said, Mr. Stone. We're going to go out on a bond for \$200,000?

Mr. Stone:

We're going to bond the \$200,000 commitment.

The Chair:

That will be in Committee on Wednesday, Michelle. We'll discuss it then.

Michelle Madoff:

Is it coming up this Wednesday? Did you waive Rule 8 on it?

Mr. Stone:

No, we did not waive Rule 8.

Michelle Madoff:

Mike, would you get me an explanation on that bill, please, so that I can deal with it and ask the rights questions at the meeting?

Mr. Perry:

Okay.

Also,

No. 3034 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend the Pennsylvania League of Cities meeting in Harrisburg, PA on June 9-10, 1983, at a cost not to exceed \$375.00, payable from C.A. No. 1017, Miscellaneous Services, Mayor's Office.

Also,

No. 3035 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend a joint meeting of the League of Cities and the Chamber of Commerce in Harrisburg, PA on May 23, 1983, at a cost not to exceed \$300.00, payable from Code Account No. 1017, Miscellaneous Services, Mayor's Office. Prior approval granted.

Also,

No. 3036 Communication from Edward A. Walkowski, Manager, City of Pittsburgh Information Systems Department, requesting authorization for Emma Rhodes to attend the University of Pittsburgh Management Skills for Supervisor Seminar on June 6-7, 1983, at a cost not to exceed \$495.00, payable from C.A. No. 1043, Miscellaneous Services, City Information Systems, Department of the Mayor.

Also,

No. 3037 Communication from Edward A. Walkowski, Manager, City of Pittsburgh Information Systems Department, requesting authorization for Joseph Kostrub and Joseph Hilgert to attend the Lesley College Graduate School Managing People Seminar in Pittsburgh, PA on June 10, 1983, at a cost not to exceed \$390.00, payable from C.A. No. 1043, Miscellaneous Services, City Information Systems, Department of the Mayor.

Also,

No. 3038 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Catherine Melton, to attend a Department of Labor Summer Youth Employment Program in Philadelphia, PA on May 26-27, 1983, at a cost not to exceed \$500.00, payable from the CETA Trust Fund, Federal Funds.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3039 Resolution adopting certified Record and Findings of Fact and Conclusions of Law in Support of the Denial of Conditional Use Application

No. 467 - for requesting permission by Ellwest Stereo Theatres, Inc., on property at 228 Forbes Avenue in the First Ward of the City of Pittsburgh, to change a portion of the first floor area from booths using coin operated movie film machines to a stage area for live entertainment.

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3040

Report of the Committee on Finance for May 11, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2930

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Stanley Magic Door, Inc. in the amount of \$925.00 in payment for service and repairs to electric doors at the Ross Street entrance of the City-County Building; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2941

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Davison Sand & Gravel Company, 3rd Avenue and 4th Street,

New Kensington, PA 15068, in the amount of \$507.73 in payment for Sand furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2958

A Resolution entitled, "Resolution authorizing the Mayor to issue, and the City Controller to countersign the duplicate warrant to the same payee and in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2975

A Resolution entitled, "Resolution amending Resolution No. 207, effective April 11, 1983, authorizing the issuance of a warrant in favor of Thomas DiDiano Construction Company in the amount of \$6,715.00 in payment for work performed at Paulson Avenue Swimming Pool, by increasing the amount of the authorization to \$16,065.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3041

Report of the Committee on Public Works for May 11, 1983 transmitting two ordinances and two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2207

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article III - Dogs and Other Animals by adding Section 633.15 which establishes a City low cost spay, neuter, and vaccination clinic."

Which was read.

Mr. Flaherty:

In regard to Bill 2207 which provides for a contractual agreement for a municipal low cost spaying and neutering clinic, I wish to officially amend the bill. It was my understanding that the amendments were not officially enacted at Wednesday's Committee Meeting. So, to correct that oversight I offer the amendments which are in front of you now which essentially would be to delete Section A of the original which would read, "The City will maintain a low cost spay, neuter and vaccination clinic with a veterinarian and a technician" and to add the following three sections: "The City shall enter a contractual agreement with a recognized Pittsburgh animal shelter equipped with a surgical clinic for the purpose of utilizing these facilities for a low cost spay, neuter and vaccination service." Also, the section, "The City shall employ a state certified veterinarian and veterinary technician to provide the spay, neuter and vaccination". And also to include the final section, "The total cost of this program shall not exceed \$60,000." The date of this ordinance is January 1, 1984.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

I have a question on the amendment. I'd like to comment on the amendment. I think all members of Council received a communication dated May 16, 1983 relative to Council Bill 2207 from the Western Pennsylvania Veterinary Medical Association. I don't want to read the total document but I do think it should be included in the record. I think that perhaps at the public hearing in perhaps our haste to address this issue animal control, all the parties that wanted to speak and explain their positions did not have an opportunity to do so and I believe that the members of the Western Pennsylvania Veterinary Medical Association feel that there are some points that perhaps Council needs to address prior to any final action.

I'd just like to relate if I could two points. One is that they believe if there are any government funds going to be made available to operate a spaying and neutering program, these services should be made available only to the truly needs and they emphasize that experience has shown that many pet owners that use the services of neutering clinics are in the income groups which can afford the services of private veterinarians. I agree with that statement and I think unless we are very careful in how this program is administered, those people who need the program the most will not be served by it.

Also, they indicate that even with the creation of a City operated clinic, the budget for animal control would not decrease. It has been shown in other cities that neutering clinics do not have a majority or major impact on animal population control. Such clinics do not reach a wide enough segment of the unwanted animal population to be effective. I think there's a lot of merit in that comment.

While I basically agree with some of the concerns that the Veterinary Association has raised, I think the attempt here is positive and I think we can put some effective controls on our program so that it reaches the target population and so that it becomes one more tool, just one more tool, in our ever increasing attempt to control the animal population in this City.

Just one other comment on the amendment, if I might. I have raised some concern before about the cost of the clinic. I still believe that \$60,000 is not enough money and that we may find ourselves spending \$60,000 per year on this project and I think Council ought to be aware that this is not \$60,000 today, this is \$60,000 today, next year and the following year and that amount will probably be increased because we're talking about hiring a veterinarian and a technician --

The Chair:

Excuse me, Mr. Robinson, if I may. I thought the intent of the bill was \$60,000 per year. We're not talking about one shot.

Mr. Robinson:

Well, that was not my understanding from what Councilman Flaherty said last Wednesday. I'm simply saying that if Council is not aware of what you said, they need to be aware now that we will pay at least \$60,000 a year for the technician, for the veterinarian and any other related services. So, it's not just \$60,000 on a one shot deal. I think we need to be cognizant of that.

The Chair:

I thought we were all aware of that.

Mr. Flaherty:

It's also important to keep in mind that I believe that the sum of \$60,000 is the most that it will cost the City for quite a few years to come because the majority of that appropriation is going to be offset through the fees that individuals are going to pay to have their animal either spayed or neutered.

I would also just care to respond in regard to the Western Pennsylvania Veterinarian Association that they had the opportunity to testify at the public hearing. In fact, the president, the state president of the Association spoke and there were two other individuals who spoke from the Western Pennsylvania Association. As far as the criticisms that they have outlined, I believe that I have statistics to refute some of those arguments. Granted, some of their arguments may have some validity but I believe that there are other arguments that overwhelm them.

Michelle Madoff:

I was going to say that many people such as myself who had two dogs that lived to fifteen and fourteen years old and died, had I needed to have them spayed, and I did, I would take them to my own private doctor and many people will still do that. All we're going to do is raise consciousness and I think that the doctors are going to do much better. It reminds me of when Medicare came out and there were certain people who fought it and fought it and fought it who were doctors. Try to take it away today and they fight equally as hard. It is only going to make the situation in the City much more livable.

Mr. Stone:

The only question I have is are we going to address the issue that Mr.

Robinson mentioned about need. Rather than just permit anyone no matter how much money they make to have their dog neutered, are we going to set a limit of some sort to the needy, not the greedy?

Mr. Flaherty:

I believe that as far as putting a income restraint on it, that certainly has its points but since this is a program that will be starting up, I think we could more accurately judge the need for having the income limitation on perhaps after the clinic is in operation for a year. Granted, there will be some people that are greedy that will probably take advantage of the program, but perhaps it would be worthwhile if we accepted some of that greed if this would be a measure for that individual to care for their animal and not having it out repopulating the animal population in the City, perhaps twenty fold over the lifetime of that animal.

I would certainly support it if there was a need for it. Perhaps if in a year we were just flooded with pet owners who were utilizing the clinic then I think we would have to put some kind of restraints on. But we are not aware now as to what the acceptance of the public will be toward the clinic.

Mr. Stone:

I don't want to give a long dissertation on this thing but I still think that that point on need is an important one for two reasons. First of all, it takes business away from veterinarians who otherwise may get that business and I don't think we should create anything in competition with the legitimate professional availability.

Secondly, I don't think we should be putting out City monies for those who don't need it and I think we ought to

somehow have some restriction here that restricts it to those who need it rather than those who don't. If they have the money they ought to be able to go to a veterinarian and have it don't on their own no matter what the cost. But for those who can't afford it I think we obviously should address it.

The Chair:

I agree with you, Mr. Stone, with the exception that it would be rather difficult to regulate it.

Mr. Flaherty:

I would just care to respond to that. I think that if we were to put a cap as to what individuals could utilize the program in my mind, and if I'm wrong please correct me, I think this would be the only program that the City would offer which would not be uniform for the utilization of all the residents of the City. I think also if we get into the idea of trying to put a cap on it, I think we are going to be getting into more paper work, we are going to be requiring individuals to bring an income tax statement and I think for the time and effort that would go into that I think that it would perhaps cause a great deal of embarrassment to people and it would be opening the way to a certain invasion of an individual's privacy.

The Chair:

Any further comments on the amendment?

The motion carries.

And on the bill itself?

Mr. Robinson:

I have a comment on 2207 which addresses the issue of the spay, neuter

and vaccination clinic, I'd just like to remind Council that last Wednesday we asked the City Solicitor and the Director of the Department of Environmental Resources to address the issue of our contractual relationship with the Animal Rescue League and how that relates to monies that are due us for animals that are housed and fed that City employees take to Animal Rescue League under contract and how this relates to the potential of us enacting 2207 and possibly contracting with the Animal Rescue League.

I think that there's a very serious problem relative to whether or not the City of Pittsburgh is receiving the monies that it is due for what is called poundage. The law is very specific, the Controller's Office has a line item and we have not been collecting poundage. To my knowledge, for five and one half years the Animal Rescue League has not collected poundage, the Department of Environmental Services has not collected poundage. That's the money that is due to the citizens of the City of Pittsburgh and the only explanation that we have ever received, and this is by way of testimony from the Animal Rescue League is that they do not feel it's in their best interest to collect poundage because it's inconsistent with their program of trying to help pet owners and making pets available free of charge to the public. I think if there is a conflict of interest, or if there is some difficulty, that we need to get that straight before we anticipate a possible contract with Animal Rescue League, particularly in light of the fact that we increased their budget by twenty-five percent. Mr. Flaherty brought that information to light that it certainly is well known that we have increased our financial obligations to Animal Rescue League yet we have taken no legal or administration actions to make sure that they are collecting the poundage or that we

collect the poundage. I don't know if the City Clerk ever got that information. I did see a copy of a memo he forwarded but I would hope that Council would take this into consideration before voting on 2207 and even if we do not feel that it's important enough to hold 2207, that we certainly get some answers from the Animal Rescue League and the City Solicitor because if Animal Rescue League is selected as the animal shelter to carry out the spaying and neutering program, not only do I think we're going to run afoul with the law but I think it's going to be publicly embarrassing for this City to continue to contract with an agency that does not feel it's in their best interest to obey the law and for a City to contain a contract where they themselves will not obey their own law. If we're going to reduce the animal population, if we're going to help people become responsible pet owners, we certainly should ask them to live up to their obligations. If you animal is picked up and you go to Animal Rescue League to retrieve it, the law said you're supposed to pay poundage. You pay room and board. People are not paying room and board for their animals when they are returned.

The second point relates to the issue on, I think Mr. Stone succinctly addressed my concern about serving those who are the most needy with the spaying and neutering clinic. I think that depending upon how this program is administered, we can go right to the problem or we can go around it. The animal problem in the City of Pittsburgh is concentrated in two areas and it's been concentrated there for five and one half years. In the eastern sections of the City, the 10th, 11th, 12th, 13th, 14th Wards and our Housing Authority units, which are scattered into eighteen different neighborhoods of this City, that's where the stray animals are, that's where the animal control problem is and

if you check the records of animal control, if you check the citations, if you check with the root foreman, you will see that's where the problem is. I would hope that Mr. Flaherty would impose upon Director Walker to structure this program in such a way that those areas of the City get a good treatment and that we also make sure that people in those areas become aware of this free spaying and neutering program.

Mr. Flaherty:

I wholeheartedly agree with what Councilman Robinson has said. The first point that he brings up in regard to the Animal Rescue League I feel that we certainly should hold them accountable if they are not collecting the City's due as they have been contracted to do. I myself earlier attempted to receive the information from the City Solicitor's Office and I am expecting a call from them.

It's important to keep in mind that the bill spells out a contractual agreement with a recognized animal shelter. There are a few that are equipped with the essential surgical equipment. We are not specifying that we are going to contract specifically with the Animal Rescue League. For example, we could contract with the Humane Society.

As far as Councilman Robinson's second point on working closely with Director Walker as to areas of the City that perhaps we should concentrate on perhaps through an awareness program as to the existence of the clinic, I agree wholeheartedly and will certainly work closely with the Director on that point.

The Chair:

Thank you.

(MEMO REGARDING BILL NO. 2207)

Western Pennsylvania Veterinary Medical Association
6742 Reynolds Street,
Pittsburgh, PA 15206

TO: Members of Pittsburgh
City Council
RE: Bill No. 2207
DATE: May 16, 1983

The following are the reasons for our opposition to Bill No. 2207 relating to the spay-neuter clinic:

1. Such a clinic would violate the free enterprise system by creating unfair competition between privately owned tax paying businesses and the government subsidized veterinary clinic.
2. Even with the creation of the city operated clinic, the budget for animal control would not decrease. It has been shown in other cities that neutering clinics do not have a major impact on animal population control. Such clinics do not reach a wide enough segment of the unwanted animal population to be effective.
3. The most effective approach to controlling the number of stray dogs and cats is to educate the public to become responsible pet owners. In addition, there should be better enforcement of the existing leash and license laws.
4. If there are government funds available to operate a spay-neuter program, the services should be available only to the truly needy. Experience has shown that many pet owners who use the services of neutering clinics are in income groups which can afford the services of private veterinarians.

For the above reasons, we urge

that no final action be taken regarding Bill No. 2207 without consultation with our association.

(END OF MEMO)

Also,

Bill No. 2208

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article III - Dogs and Other Animals by adding provisions, by amending Section 633.04 to provide that all duly authorized mammal kennels be required to have the owner purchase and place a license on every dog placed from that kennel: by adding Section 633.14 to provide that the City maintain a Central Mammal Informational Service."

Which was read.

Mr. Givens:

I'd like to make a comment for the record on Bill 2207 and 2208 why I'd ask my fellow Councilmembers to pass on this bill. On two different occasions, while walking through the city streets of Pittsburgh, I have been personally attacked by, in one case five dogs, three of them I'll call canines meaning the larger variety, shepard dogs, etc., and on one other occasion by one canine and one small dog.

Had I not had expert training within the field of canines within the U.S. Military Air Force, I'm afraid I would have come out of the one situation in a very serious condition because the six dogs that attacked me were in a park. There was absolutely nothing around —

The Chair:

You mean six dogs attacked you at one time?

Mr. Givens:

Six dogs. That's right. To be attacked by six canines at one time that are —

The Chair:

Dick, was one of them a Doberman pinscher?

Mr. Givens:

Don't make fun of it, Jeep. It's not funny.

The Chair:

I know it's not funny.

Mr. Givens:

When you're the victim of six dogs that are attacking you at one time, it's very frightful and fearful. Just one dog is bad enough, let alone six. And I had to back up to a tree to defend myself and only by using an obstacle that I tore from my body to use it as something for them to work with because without that, then they start working on your hands and your face and your feet and I don't know if any of you have even seen a child that has been bitten by a dog.

For that reason and that reason only I would go for this particular case because it has a positive control of the number of animals that we'll have within the City of Pittsburgh and that alone will hopefully reduce some of these circumstances that I have personally been involved in.

Mr. Stone:

I think the bill would better serve the City of Pittsburgh if it did not compete with other veterinarians and I think it's an unfair competition the way it's now couched without some controls and I don't think lightly about using City money for those who don't need it.

In short, I have no objections to taking care of the needy but the greedy I do. If we were to save but half of this money, we could use the \$30,000 and go to Pittsburgh Action Against Rape or some other worthy organization.

On those two bills, because of it's lack of restriction, I vote no.

Michelle Madoff:

Excuse me, I apologize. I just came in and I heard Mr. Stone talking about Action Against Rape. What was that with reference to?

Mr. O'Malley:

What he was saying was that he was against the neutering bill because if we save half of that \$60,000, save \$30,000, you could put it towards a better cause such as Pittsburgh Action Against Rape.

Michelle Madoff:

Is everybody aware that we came into another windfall, Mr. Stone, is that correct, with the sale of One Oliver Plaza? Something like \$700,000? Is that correct, Mr. Stone?

Mr. O'Malley:

Just vote on the bills, Michelle.

Michelle Madoff:

Well, I think it's all tied to the bills. We've got a \$700,000 windfall coming in, why couldn't we have both items?

The Chair:

Please vote aye or nay on the bills.

Michelle Madoff:

I vote aye.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES 1

(MR. STONE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2936

A Resolution entitled, "Resolution providing for a Contract or Contracts for the purchase of Street Lighting

Equipment for Liberty Avenue from Stanwix Street to Sixth Avenue - Sixth Avenue from Liberty Avenue to Grant Street in conjunction with the LRT System; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2901

A Resolution entitled, "Resolution amending Resolution No. 216, approved March 23, 1983, effective April 11, 1983, entitled, 'Providing for an Agreement or Agreements with D'Appolonia Consulting Engineers for Engineering Services in connection with the Route 51 Rockfall; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total allocation by Forth Thousand (\$40,000.00) Dollars."

Which was read.

Mr. Givens:

Mr. President, on Bill 2901 within my committee that deals with that landslide problem out on Saw Mill Run, the engineering company was to provide additional information that we've wanted for a couple of weeks and it still has not been provided to our finance staff. As a result, reluctantly, I must ask that this bill be recommitted. Hopefully, it was to be here today but I did not receive it. Eddie Albert would still like to review it. That's Bill 2901 to be recommitted.

Mr. Robinson seconded the motion.

Michelle Madoff:

Mr. President, before we vote on that - I think it's important. I don't think we can hold up this money. This is a crisis situation.

Mr. Stone:

I was just going to ask that very question myself. You know, we have an important thing there on 51 and I think we ought to get to doing the investigation on time, Mr. Givens. It's up to you if you want to accept responsibility for that but I think that that one has a lot of potential liability to this City. We ought not to be moving slowly with it.

Mr. Givens:

Well, I know there are pending court suits but I'm sure it would be many, many months before that will ever come before the courts. I sympathize with your position, however, I feel that when one of our staff members from our Finance Department wants to review it, the fact that he was in the hospital and

the fact that I want to review that particular information, I feel that holding it one more week will not jeopardize our position. If I felt so I would approve it today.

Mr. Stone:

The only thing, Mr. Givens, is that I think you're going to get more information in the first three days or the first three weeks than you'll get in the next three months or the next three years. Those are important moments when you're close to what actually happened.

Mr. Givens:

The City has all that information at their hands. The individual hasn't been paid. I agree. This was one of the quicker payments that I've seen made and I'm sure he'll represent this City when and if it does come to court. But again, I'm talking about the payment of the bill itself. We had asked for certain information. That information has not been provided and until it is, I don't think we can make a true evaluation of the cost overruns on this particular job.

The Chair:

Mr. Givens, if I may, we don't know when Mr. Albert is coming back. This is very critical as Ms. Madoff and Mr. Stone have pointed out. Obviously you have raised a good question in regards to the cost but they're staying out doing the work and they're going to blame us if it's not done..

Michelle Madoff:

Mr. President, what is the procedure to move to not hold the bill, to proceed with it?

Mr. Stone:

Before you do that, Mr. Givens, this is providing for agreements and if you're concerned about it after, you can still do that. This is providing for an agreement, not payment.

Mr. Givens:

It's to increase the cost of that particular agreement.

Mr. Stone:

Correct.

Mr. Givens:

It's asking for us to approve a supplemental agreement or agreements by increasing the total allocation. That's what is in question.

There's a motion on the floor.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens

Mr. O'Malley
Mr. Robinson

AYES 4

NOES 3

(MICHELLE MADOFF, MR. STONE AND MR. DEPASQUALE VOTING NO)

(MRS. MASLOFF ABSTAINING)

And a majority of the votes of

Council not being in the affirmative, the motion was defeated.

The Chair:

Is there any discussion on the bill itself?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken, agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

(MRS. MASLOFF ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3042

Report of the Committee on Planning, Housing and Development for May 11, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2624

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921,

Section 921.02, Zoning District Maps No'd. 7 and 12 by changing from "R4" Multiple-Family Residence, "C4" Commercial, "M3" Light Industrial and "M4" Heavy Industrial Districts to "S" Special, "R3" Multiple-Family Residence, "A1" Commercial-Residential Associated, "M2" Limited Industrial and "M3" Light Industrial Districts certain property located in the South Side Community in the general vicinity of CARSON STREET extending from S. FOURTH STREET to S. TWENTY-SEVENTH STREET, 16th and 17th Wards."

Which was read.

Also,

Bill No. 2727

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 11 by changing from "R5" Multiple-Family Residence District to "C3" Commercial District all that certain property bounded by: CENTRE AVENUE; SOUTH NEGLEY AVENUE; CLAYBOURNE STREET and Lots No'd. 171, 174a, 174b, 174c, 175 and 135, Block 51-M in the Allegheny County Block and Lot System, 7th Ward."

Which was read.

Also,

Bill No. 2946

A Resolution, entitled, "Resolution approving a Conditional Use under Section 993.01(a) A 14 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to construct a five-story extension to the existing south wing of the main hospital building to be used for hospital

administrative and physician's offices on property zoned "I-C" Institutional-Civic District and located on the southeast corner of LOCUST and STEVENSON STREETS, 1st Ward, with the condition that a traffic and parking study be conducted as the first phase of the Mercy Hospital Master Plan."

Which was read.

Also,

Bill No. 2947

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, 'Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program', by adjusting 'New Project Authorizations' for several line items."

Which was read.

Also,

Bill No. 2948

A Resolution entitled, "Resolution amending Resolution No. 167, effective March 7, 1983, entitled, 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U. S. Department of Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program; providing for the execution of Grant Contracts and for the filing of other data; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; providing

for the deposit of the funds in a bank account and providing for payment of expenses within categories,' so as to adjust language in Section 9 herein; and transfer dollar amounts from several line items in Section 10 herein."

Which was read.

Also,

Bill No. 2949

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods."

Which was read.

Also,

Bill No. 2950

A Resolution entitled, "Resolution amending Resolution No. 599, effective June 30, 1982, entitled, 'Providing for an Agreement or Agreements with the Pittsburgh Clean Cities Committee, a non-profit corporation, for the purpose of employing economically disadvantaged youths to clean up and/or landscape City neighborhoods' so as to reduce the amount provided therein from \$150,000.00 to \$115,770.16."

Which was read.

Michelle Madoff:

Mr. Robinson, on Bill 2949 and 2950, they're companion bills, correct?

Mr. Robinson:

Yes.

Michelle Madoff:

What is the total amount now since we're adjusting one bill to lower the amount from \$150,000 to \$115,000 and we're going up on the other? What will be the total allocation from this Council to the Clean City Committee for this year, for the year '83?

Mr. Robinson:

I don't have that figure available.

Michelle Madoff:

Ballpark it for me.

Mr. Robinson:

I wouldn't want to venture a guess.

Michelle Madoff:

Would Mr. Buckley know that? Well, it's probably at least \$163,000 — I think it's a million and a half, isn't it? Mr. Stone, do you recall?

Mr. Stone:

There's some mixed funds in there. You're talking —

Michelle Madoff:

But altogether, the act of actually cleaning up, whether it's for jobs or equipment or summer employment. We're talking about a substantial number of dollars. Is that correct?

Mr. Stone:

We put some nice sized dollars there and we've gotten our dollar's worth.

Michelle Madoff:

I didn't say we weren't. I think they do an outstanding job, but I'm just trying to get a number. Do you have a number?

Mr. Stone:

Off hand I don't.

Michelle Madoff:

Alright now, my point in bringing this up is that I had a call today from someone in Mount Washington thanking us for contacting the Clean City Committee to clean up the Burma Road and clean up a couple of the other roads up there and some of the streets and some of the lots. But a one shot effort is not the answer. It is my understanding that where the Clean City Committee is presently very weak is in enforcement. I would like to see this City Council consider some kind of a bill that would authorize meter maids on their rounds to issue citations for locks, particularly facilities, stores. It is outrageous when you drive down the street and there's a broken beer bottle and garbage being thrown into sewers that are swept off the street. Someone says, "Well, I cleaned it up, I swept it into the sewer." That does further damage to the taxpayers' dollar and that we have to clean up the sewers.

I don't think just saying we're pouring this money in, and I think the Clean City Committee would agree, is the answer. Enforcement on the long term is going to be the answer and we've got to look for a way to do that.

I understand there's something like twenty or forty cases to be heard before the magistrate. Well, there isn't a member of this Council or the media sitting here that couldn't go down the

street today and find forty in an afternoon. If we're going to make this money meaningful, not just creating jobs, I think we really have to deal with the enforcement issue. And I would hope, Mike, that we'd start off by preparing, if you would for me, an ordinance to authorize meter maids, it would have to go to the Law Department, to be able to issue citations on litter.

Mr. Robinson:

If I might on Council Bill 2949 and 2950, I think that it's important to recognize that the Clean City Program in the City of Pittsburgh is relatively new and one of the major objectives has been to educate the public. Certainly Mrs. Madoff's concerns are well known and I think well taken. It should be noted that the law enforcement officers in the City of Pittsburgh do presently have the power to enforce all laws in the City of Pittsburgh. Our police officers who both walk the beat and ride in the cars have authorizations to issue citations.

Recently I made a trip to Toronto, Canada, and while I was there I was able to observe what is perhaps one of the most effective Clean City programs anywhere in the world. A city that is basically clean, and one thing I noticed in Toronto, you don't see people winding down the windows of their car and throwing litter on the street. You do see that here in the United States, you do see that here in the City of Pittsburgh. I think that certainly the effort in Toronto, and they don't have a Clean City Committee, they carry out their program through the Public Works Department, but I think the educational aspect of it does have to be turned inward and I agree with you. Enforcement is a problem. Part of the reason that it is a problem is because it is not emphasized by the Administration, it's not emphasized by this Council.

Littering is not considered serious enough for our police officers to address it. It's not considered serious enough for us to indeed make it most unattractive for people to litter.

I would hope that Mrs. Madoff's concerns go beyond simply the legislative stage but that we indeed send a letter to our Police Superintendent requesting his cooperation in working with the Clean City Committee to see what can be done to get our police officers more involved in the enforcement of our litter laws and more involved in this whole issue of keeping our City clean.

If the City Clerk would be willing to prepare that kind of letter on behalf of Council, I think we would be doing ourselves well and also the citizens of this City to ask for that kind of cooperation.

The Chair:

The meter maids definately have the power to cite and they have been citing in the past.

Michelle Madoff:

Mr. President, may I comment? This was not just something that I took lightly. This concern grew out of a very specific dialogue that I had with Miss Maribeth Salley. It appears that our refuse collectors are very diligent and when people are violating the garbage ordinance, scattering the garbage, they are indeed citing them. And they're doing an outstanding job. That has been a really marked improvement.

However, in the business areas, in the City's concentrated areas where say BFI or other companies would be picking up the litter, what the plan is at the moment, according to Maribeth Salley's conversation with me, is to have them

turned into community groups. Well, I plan to do that with arcades, but I don't think that's exactly how we want to enforce in our business districts by turning it over to community groups and having the company chastised. I think they have to be cited. And I don't think anybody would disagree with that. We've been talking about it for five years. Laws without enforcement are an exercise in futility. I think perhaps one of the best ways, since we don't have enough policemen, we're talking about better garage protection and so on, and the police are perhaps overburdened with crimes in progress, perhaps the meter maids, while they're walking the beats, might be a good way to start. That's just a first step, Mr. Robinson, perhaps having the meter maids do it. Would you prepare that bill for me?

Also,

Bill No. 2951

A Resolution entitled, "Resolution amending Section 11 of Resolution No. 1549 of 1978, previously amended by Resolution Nos. 251, 517, and 649 of 1979; and by Resolution Nos. 286 and 1192 of 1980; and by Resolution No. 1203 of 1981 entitled, 'Providing for the filing of an application with the U. S. Department of Housing and Urban Development for a grant in connection with the 1979 Community Development Block Grant Program,' so as to reduce line item CP-79-04, 'Indoor Community Facility Study' from \$50,000.00 to \$20,000.00 (-\$29,900.00) and further; to increase line item CP-79-01 'Administration - Expenses and Services' from \$50,000.00 to \$79,000.00 (+\$29,900.00)."

Which was read.

Also,

Bill No. 2952

A Resolution entitled, "Resolution amending Resolution No. 539, effective June 15, 1982, entitled, 'Providing for an Agreement or Agreements with a consultant or consultants for auditing services in connection with the Community Development Block Grant Program (Third Party Contracts)', so as to increase the funding authorization from \$30,000.00 to \$59,900.00."

Which was read.

Also,

Bill No. 2953

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Neighborhood Alliance for the implementation of the 'Home Security Program', including Block Watch Organizers and the installation of locks and smoke detectors in various Community Development Block Grant neighborhoods in the City."

Which was read.

Mr. Robinson moved to recommit Bill No. 2953.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

Bill No. 2954

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structure at 204 Fifth Avenue (Block and Lot 1-H-123) in the Market Square Historic District in the

2nd Ward."

Which was read.

Also,

Bill No. 2955

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 210 Tennyson Avenue (Block and Lot 27-G-227) in the Schenley Farms Historic District in the 4th Ward."

Which was read.

Also,

Bill No. 2956

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1400 Pennsylvania Avenue (Block and Lot 22-P-124), 1414 Liverpool Street (Block and Lot 22-P-18), 1427 W. North Avenue (Block and Lot 7-B-297), 1110 W. North Avenue (Block and Lot 22-R-284), in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 2957

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 525 North Taylor Avenue (Block and Lot 23-J-253) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 2704

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Bloomfield-Garfield Local Development Corporation, to promote and implement the economic and physical redevelopment of the Penn Avenue retail/residential district in the Bloomfield-Garfield neighborhood; to follow through with implementing the activities recommended and approved by the City in the 1980 Bloomfield-Garfield market study; and to use the Bloomfield-Garfield Local Development Corporation as the coordinating agent for formulating and implementing the renewal plans recommended in the Bloomfield-Garfield market study."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

Mr. Woods presented

Bill No. 3043

Report of the Committee on Supplies for May 11, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2940

A Resolution entitled, "Resolution authorizing and directing the Mayor to form a committee consisting of heavy equipment operators and mechanics to inspect, operate, and evaluate used equipment for purchase by the city in order to obtain the best buy based on condition, prior use, maintenance, and price."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

I want it known that Michelle Madoff considers that a great victory on that last vote. I won one.

Michelle Madoff presented

Bill No. 3044

Report of the Committee on Water for May 11, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2943

A Resolution entitled, "Resolution amending Resolution No. 1385, approved December 30, 1982, entitled, 'Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating new line item WD-83-22 adjusting the summary total."

Which was read.

Also,

Bill No. 2944

A Resolution entitled, "Resolution providing for a contract or contracts for the Relay of Water Line in Edwin Street; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3045

Report of the Committee on Parks and Recreation for May 11, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2976

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the rehabilitation of Riverview Pool; providing for the execution of a Grant Contract and for the filing of

requisitions and other data; approving the Riverview Pool Rehabilitation Project; providing for required assurances; providing for certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Riverview Pool Rehabilitation Project Trust Fund; providing for the deposit of funds into the Trust Fund; and for the payments of costs and expenses of the Riverview Pool Rehabilitation Project."

Which was read.

Also,

Bill No. 2977

A Resolution entitled, "Resolution providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the design of Riverview Pool and providing for the cost thereof."

Which was read.

Also,

Bill No. 2978

A Resolution entitled, "Resolution amending Resolution No. 1385 effective December 31, 1982 as amended entitled, 'A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program' by adding a new project, Riverview Pool design and construction."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3046

Report of the Committee on Public Safety for May 11, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2867

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Eight, Chapter 803 Amendments, Section 803.01 changes specified, Article 6 Airports, Heliports and Helistops by amending F-600.1 Scope, F-600.5 Requirements for Roof Top Facilities, F-600.6 Requirements for Ground Level Facilities, F-600.7 Conformance and size and F-600.8 Record of Frequency of use."

Which was read.

(LETTER REQUESTED BY MR. GIVENS)

President and Members
City Council
City of Pittsburgh

Dear Council Member:

On March 15, 1983, Council held an open hearing on proposed Ordinance No. 2360 which contains recommended Code changes regulating helicopter facilities within the City. This meeting was heavily attended by opponents of this legislation who presented much misleading and erroneous testimony which was left essentially unanswered due to the structure of the meeting. We would like at this time to present some background and explanation for support of this ordinance.

It was obvious when we began to enforce the present helicopter code that some sections which applied to "roof top" helicopter facilities could not in fairness be applied to "ground level" facilities. Through the Board of Standards and Appeals the Fire Department worked with users to modify the standards so that they would be more cost effective and realistically applied. It then became evident from this experience that the codes should be amended to allow separate code provisions for ground level helicopter facilities.

After researching the National Fire Codes, the FAA regulations and other input on the subject, a proposed amended Code change was presented to the Code Review Board for their consideration. An open hearing was conducted by the Board at which time extensive testimony was heard from the Helicopter Pilots Association, experts on helicopter construction, and others in the field. The Fire Department was also given an opportunity to present their case before the Board. The Board, after

due consideration, and after making minor changes, approved the Code changes relating to helicopter facilities and sent the amendments to Council as an Ordinance. It must be emphasized that the Code Review Board is composed of architects, engineers, building managers and owners in addition to representatives of the public and the Fire and Building Departments.

Since there seems to be no controversy regarding the "Roof Top" sections of the proposed amendments, we shall point out only that these regulations have been extracted almost intact from the National Fire Code, NFPA #418.

Provisions for "ground level" installations were developed using the guidelines from the National Fire Codes (NFPA) Standard No. 403 which we have attached and the pertinent sections highlighted for reference. This standard is written and maintained by an "Aviation Correlating Committee" and a "Sectional Committee on Aircraft Rescue and Fire Fighting". It is noted (Page 3 of Attachment #1) that the committee membership is heavily weighted with aviation people with only a few Fire Department representatives. As noted on Page 11, (Attachment #1) "Location of Accidents", that "the greatest potential for saving life and property is at the vicinity of the heliport itself." Pages 13 thru 19 cover the types of extinguishing agents. Particular attention should be paid to the summary of agents which states that foam is the "principal extinguishing agent upon which reliance is placed for service." Therefore, foam was selected as a requirement in the recommended Code.

It is far superior than dry chemical for this purpose. The advantages are many:

- *Quenching and cooling effect
- *Prevents re-ignition of flammable liquid fires from heated metal
- *Can approach fire from a distance up to 50'
- *Does not obscure fire scene
- *Better potential for rescue
- *Provides application over long period of time
- *Requires less skill and effort to use

Dry chemical does have a quick effect but, compared with foam has the following disadvantages:

- *No cooling effect
- *Must be used very close to fire, 8 - 10'
- *Sends up large clouds of powder which obscures fire scene and rescue attempt
- *Very short application time (as little as one minute)
- *Possibility of re-ignition with no agent left to extinguish fire
- *Requires practice and skill to use effectively

There are basically 3 sizes of helicopters referred to and described on Page 24, H-1-H2-H3. When determining the largest aircraft to be protected consideration should be given to factors such as probable future expansion of traffic, introduction of larger aircraft and frequency of operation (see page 24, 3-1.3.2). This aspect was carefully considered and because of experience with expansion at existing heliports and because of the close proximity of most heliports to nearby buildings, such as hospitals and congested built-up areas it was determined to base requirements to a minimum of the H-2 size helicopter. The foam production for this category is listed on Page 26 as indicated.

The requirement for automatic alarm system is listed on Page 27 (3-1.4.7).

Because of the inherent danger of fuel spill on the heliport facility, and again consideration was given to the very close location to large buildings, a system of fuel collection was included in the Code. This simply means that the pad must be slanted to a collection trench where flammable fuel is separated and collected in a holding tank. Contrary to testimony presented at the Council hearing, much of the helicopter fuel is Jet A type and although it is largely kerosene, much of it can be reduced with other fuels which can perceptively lower its flash point. Attached you will find the National Fire Protection Association comment on the safety of this fuel. (See Attachment #2)

Helicopters can range in price from \$300,000 to upward to over a million dollars for those which carry many passengers and yet some operators seem unwilling to spend even a small amount for proper fire protection. Helicopters again contrary to what we are told, are dangerous and experience a high volume of accidents. Their own statistics indicate that in 1978, which 5,395 helicopters operating, there were 310 accidents. (See Attachment #3)

Also attached are news items of just some recent accidents. Particular attention is directed to a recent article from Time Magazine (Attachment #4) which shows that within the past few years broadcast crews have died in helicopter crashes in Los Angeles, Philadelphia, Boston, Miami and Denver. Not a very good record.

Actual costs involved in construction of a heliport can vary greatly according to the site and intended use. In testimony before Council, a representative of Channel 11 stated they will spend a total of \$27,000 for their proposed heliport while Mercy Hospital intends to spend several hundred

thousand. In a recent survey of the costs of the controversial items provided for in the proposed Code, we found the following nominal costs were projected for a typical ground level facility.

Foam Agent Innovator	\$2,000
Foam Agent	\$ 850
Fuel Separator System	\$2,700
Chemical Extinguish Unit (150 lb.)	\$1,200

Underground landing lights which are required by the FAA will cost more on the average than any of the fire protection items and usually will run about \$4,000. We believe these costs are not excessive, especially in view of the fact that helicopter service fees run about \$375-\$400 per hour.

We feel that the proposed helicopter code is not repressive or restrictive, but does represent adequate fire protection for helicopter facilities which are located generally in high density areas of the City. The Fire Department and the Review Board have no axe to grind and nothing to gain from this Code change except the realization that we are providing the City of Pittsburgh with realistic standards which will serve the City for the present and into the future.

John J. Harpur
Deputy Chief
Pittsburgh Fire Department

(END OF LETTER)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3047

Report of the Committee on Lands and Buildings for May 11, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2931

A Resolution entitled, "Resolution Repealing Item (G) of Resolution No. 189, approved March 21, 1980, for the sale of property in the 32nd Ward, being 2 vacant lots on Bernard Street, designated as Block 96-R, Lots 98 & 100, to Rosetta M. Morrissey, for the sum of \$750.00."

Which was read.

Also,

Bill No. 2932

A Resolution entitled, "Resolution Repealing Resolution, approved on various dates, authorizing the sale of property in various Wards of the City of Pittsburgh, in accordance with Act No.

514, as amended, and provided for the forfeiture of hand money."

Which was read.

Also,

Bill No. 2933

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, if I might, I just wanted to share with Council that the

letter that I read on Wednesday from Mr. Thomas Garesche to Mayor Caliguiri relative to the Grant Liberty Hotel Complex should be included in the record as well as the following letter which I sent to Mr. Garesche. As I mentioned before, Mr. Garesche is the Vice-President of Real Estate Investment with the Metropolitan Insurance Company in New York.

(LETTER FROM MR. THOMAS GARESCHÉ)

The Honorable Richard Caliguiri
Mayor of Pittsburgh
City-County Building
Pittsburgh, Pennsylvania 15219

Re: Liberty Center
Pittsburgh, Pennsylvania

Dear Mayor Caliguiri:

I am pleased to tell you that our Board of Directors has approved the establishment of a joint venture between Metropolitan and Grant Liberty Development Group Associates to own and operate the new Liberty Center office building and hotel to be built opposite the David L. Lawrence Convention Center. Upon completion of our negotiations, we expect to be investing a total of \$94,000,000 in a combination of debt and equity. We look forward to being involved in the future of Pittsburgh.

Very truly yours,

Thomas K. Garesche
Vice-President
Real Estate Investments

May 10, 1983

AS:fg

(END OF LETTER)

(LETTER FROM COUNCILMAN ROBINSON)

Mr. Thomas K. Garesche, Vice President
Real Estate Investments
Metropolitan Insurance Company
One Madison Avenue
New York, New York 10010

Dear Mr. Garesche:

I am writing in reference to your letter of May 10, 1983 to Mayor Richard Caliguiri in regard to the proposed Liberty Center project (Hotel Office Complex) for the City of Pittsburgh.

I am pleased that Metropolitan has joined with Grant Liberty Development Group Associates in what will be an important step in the future development of Pittsburgh.

Equally important is the necessity to involve minorities and women in this venture at a fifteen percent participation level. This issue has been discussed with the Grant Liberty Development Group Associates, and to date, a comprehensive and substantive plan and procedure has not been developed.

Prior to an agreement being signed with the Urban Redevelopment Authority, this issue should be resolved.

If I can be of any service, please don't hesitate to call or write.

Yours respectfully,

William Russell Robinson
Chairman,
Planning, Housing and Development

(END OF LETTER)

Mr. Robinson:

I'd just like to mention that this issue is, I think, of utmost importance. It speaks to this City's consistency in terms of involving minorities and women in all of our major developments. Hopefully, this new joint venture will be able to address this concern prior to any arrangements being made with the Urban Redevelopment Authority for the transfer of the land and prior to any complete plans being revealed to the public. Thank you.

The Chair presents

No. 3051 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Walter R. Little of 8522 Dersam Street as a Magistrate of City Court for a term to expire December 1986.

Which was read, received and filed.

Also,

No. 3052 Resolution for the reappointment by the Mayor of Walter R. Little of 8522 Dersam Street as a Magistrate of City Court for a term to expire December 1986.

Which was read.

Also,

No. 3053 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, reappointing Joseph James of 6375 Ebdy Street as a Magistrate of City Court for a term to expire December 1986.

Which was read, received and filed.

Also,

No. 3054 Resolution for the

reappointment of Joseph James of 6375 Ebdy Street as a Magistrate of City Court, for a term to expire December 1986.

Which was read.

The Chair:

Members of Council, can we waive the two week waiting period? These are reappointments; they're very good magistrates.

Mr. Stone:

Unless anyone has any objections, I'll move for adoption.

Mrs. Masloff seconded the motion.

Mr. O'Malley:

Mr. Little I'm familiar with. The other magistrate, I'm not. Is it a reappointment?

The Chair:

Yes.

Michelle Madoff:

Joe James is a magistrate for the City? I never knew that. I thought he worked for the University of Pittsburgh. Unless that's another Joe James.

The Chair:

Joe will be happy to hear that. He's the one who pushed this drunken driving law.

Michelle Madoff:

Is there another Joe James that's with the University of Pittsburgh?

The Chair:

Yes, Michelle.

Michelle Madoff:

Okay. I've got the wrong Joe James. No problem.

Mr. Robinson:

Mr. President, in view of the pending situation with our Chief Magistrate, Mr. Penkower, and the requirements of the law that a Chief Magistrate be appointed to our City courts, I think it might be appropriate to hold these reappointments for the customary two weeks until Mr. Penkower's situation is resolved, until this Council is a little clearer as to who is going to be the Chief Magistrate in the City of Pittsburgh. It is a very important position as spelled out in the City Charter —

The Chair:

If I may, Mr. Robinson, Mr. Penkower's position may not be clarified until November.

Mr. Robinson:

I understand, but I think you're speaking to my point that until we get some clearer clarification as to what the status of our present Chief Magistrate is going to be, I think it's kind of presumptuous to waive the normal two week period. That's my concern. That we have an uncertainty that I think impinges upon the renomination of these two gentlemen.

The Chair:

Well, obviously two weeks isn't the end of the world but they've done a good job and I just wonder what the

election of Penkower has to do with this.

Mr. O'Malley:

I just want to ask one question. If we approve the nominations, couldn't this Council come back and approve, if one of them were to be appointed Chief Magistrate?

Mr. Stone:

Yes. All this is doing is extending their term on the —

The Chair:

We still have the final say on it.

Mr. Robinson:

Mr. President, if I might. This Council, to my knowledge, does not have any power to appoint the Chief Magistrate. That power is held exclusively by the Mayor of the City of Pittsburgh.

The Chair:

We have the right of approval.

Mr. Robinson:

For the Chief Magistrate?

The Chair:

Oh, yes. Definitely.

Mr. Robinson:

Just one other comment on the situation with our City Magistrates. I would just like to reiterate my interest in seeing a minority female serve on our minor judiciary in anticipation that there will be a vacancy in November. I hope that this Council would give some serious consideration to the approval of a

minority female and I would hope that the Administration would take this opportunity to include minority females in our minor judiciary.

I raise this concern so that as we begin to consider people that we take into consideration that there are many groups that do not have an opportunity to be represented and there certainly are a number of fine female attorneys in our community and I think some that could serve this City well.

I just want to share again with Council my interest and the interest of many in seeing a minority female serve on our minor judiciary if the opportunity presents itself.

Mr. Stone moved for adoption of the reappointments.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I think all of us read the Sunday paper, "Must Hike Taxes or Cut Services, City Says". As you know, I came to this Council saying that I had heard about a report that existed and sure enough the report did exist. I'm sad to report that much of what's in that secret report, that fiscal report, is not even reported in the story. It is much more serious than eluded to. I have great concerns about what is going to happen to the City.

I would like to point out, and this is not self-grandiosement, but when we had that fiasco, the voluntary head tax, and we opened the account and there was a little joking going on, a little game-playing here in Council which I thought was in good spirit and fun, unfortunately I learned that you cannot take a serious

matter at a time when people are jesting about clock. However, the Los Angeles Times bid four cities in the country and they wondered why I was going out to look for voluntary head tax, did not understand that we did not have an enabling act. They did almost three-quarters of a page in the Los Angeles Times on the plight of Pittsburgh and its fiscal problems, dated March 24, 1983. Now the Mayor is coming up with what is very obvious in that report, and leaving out some of the major concerns.

I think we've got to deal with the issue and the issue is very simple. We are not going to get, in my opinion, 102 legislators to support a raise in commuter taxes to suburbanites. And the only other alternative is one in which I wrote to Mr. Pease, dated January 24, he also asked me to contact Justin Horan of the Chamber of Commerce and what I said to them essentially was, "Dear Bob, Nothing meaningful happens in the community without the leadership stepping forward and motivating the public. It is my sincere hope that the Allegheny Conference will join in the efforts of Mayor Richard Caliguiri and City Council to bring the financial plight of our City to the forefront so that we can have an enabling act passed by our State Legislator." But I go on to say, "If the City cannot meeting its financial obligations, if the City goes under, the jobs will disappear. Gulf, Alcoa, U.S. Steel, etc. are not likely to put their buildings on wheels and move them elsewhere." And I think the issue is very simple. In other communities where they've had a commuter tax or gone to metropolitanism, the leadership has taken place through corporate leadership and if we are going to have a commuter tax or metropolitanism and we're going to take the monkey off the backs of the City taxpayers who just can't afford to pay one more dime in taxes, somebody better start meeting with the corporate

leadership.

If you recall, we had a meeting here on land tax versus property tax. At that time, one of the representatives of all the department stores said that he's be happy to meet with me. I have talked to some of the major corporation presidents and they agree that something has to be done and one major president had the audacity to say to me, "Well, Michelle, if the City's going down the tubes, when it happens we'll bail them out." Well, that's what U.S. Steel was told and that's what a lot of people were told and then it became too late. Cleveland couldn't bail out any more. You've got to do it now before things are worse. And we better start addressing that issue and we better start addressing it now.

The Chair:

Thank you, Michelle.

Mr. Stone moved to approve the minutes of Monday, April 25, 1983 and Monday, May 2, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, May 23, 1983

No. 21

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, May 23, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

(ABSENT:)

Mr. Givens
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3055 Resolution providing for a license to Bell of Pennsylvania for the installation of a concrete pad together with necessary appurtenances thereto on City property at Morningside & Stanton Avenues, 10th Ward designated as Block and Lot 82-J-45, in connection with upgrading service to the area.

Also,

No. 3056 Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 9 E, Lots 61 and 66, to the Pennsylvania Department of Transportation for the sum of \$33,400.00.

Also,

No. 3059 Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh, to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in various wards of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$34,374.00, as indicated in the attached addendum.

Also,

No. 3058 Resolution providing for a Cooperation Agreement/s with Hill House Association in connection with renovations at Hill House/Kaufmann Center at a cost not to exceed

\$50,000.00 chargeable to and payable from LB 83-19 (4-25-13-2039-83) Hill House Rehabilitation, Department of Lands and Buildings.

Also,

No. 3059 Resolution providing for an Agreement/s for A/E Services in connection with the design and rehabilitation of various roofs at a cost not to exceed \$25,000.00 chargeable to and payable from LB 83-04 (4-25-01-1975-83) Rebuilding Roofs at Various Fire and Police Stations, Department of Lands and Buildings.

Also,

No. 3060 Resolution providing for an Agreement/s with Buhl Planetarium for design and construction in connection with renovations at Buhl at a cost not to exceed \$45,000.00 chargeable to and payable from LB 83-18 (4-25-15-1990-83) Buhl Planetarium Rehabilitation, Department of Lands and Buildings.

Also,

No. 3061 Resolution providing for a Cooperation Agreement/s with the Housing Authority of the City of Pittsburgh in connection with sidewalk installation at the Morse School Project at a total cost not to exceed \$30,000.00 chargeable to and payable from CDLB 81-09 (4-25-0003-81-93-81-25) Public Property Sidewalk Program, Department of Lands and Buildings.

Which were severally read and referred to the Committee on Lands and Buildings.

Also,

No. 3062 Petition from the residents of Mount Washington, requesting a public hearing concerning

the destruction of Mount Washington Park. Also requesting a greenbelt along Banksville Road and Route 51, a nature preserve for Seldom Seen and a clean-up and expanded facilities for Mount Washington Park.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Givens presented

No. 3063 Resolution vacating a portion of South Neville Street, between Fifth Avenue and Henry Street in the Fourth Ward of the City of Pittsburgh.

Also,

No. 3064 Resolution amending Resolution No. 876, appr. August 26, 1982, eff. September 1, 1982, entitled, "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Reconstruction of Arlington Avenue; and providing for the payment of the cost thereof," by decreasing the total project allocation to \$9,500.00 and by amending the funding source. Funds are available in Code Account PW 83-05, 4-01-01-0040-83.

Also,

No. 3065 Resolution providing for an Agreement or Agreements with Ackenhell and Associates for Design, Geotechnical Services and Construction Services in connection with the temporary repairs to Williams Street at a cost not to exceed \$12,000.00 chargeable to and payable from Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts.

Also,

No. 3066 Resolution providing for

an Agreement or Agreements with D'Appolonia Consulting Engineers, Inc. for Professional Engineering Services in connection with the Short-term Stabilization of Rock Cut Slope above E. Sycamore Street at a cost not to exceed \$12,000.00 chargeable to and payable from Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts. Prior approval by Council on April 21, 1983.

Also,

No. 3067 Resolution granting unto the Pittsburgh National Bank (Berline Building), its successors and assigns, the privilege and license to reconstruct, maintain and use, at its own cost and expense, an electrical vault in a portion of the sidewalk at 235-239 Fifth Avenue.

Also,

No. 3068 Resolution accepting the grading, paving, curbing and sewerage of Rialto Place, for public purposes, opening and naming the same fixing the width and position of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3069 Resolution providing for the issuance of a warrant in favor of Plant Service Company, 6th & Bingham Streets, Pittsburgh, PA 15203, in the amount of \$518.35 chargeable to and payable from Code Account No. 1705, Repairs, Department of Water. Payment for repair of a drill. Prior approval granted by Council Bill No. 2903 (1983).

Which was read and referred to the Committee on Finance.

Also,

No. 3070 Resolution providing for a Contract or Contracts for the Purchase of a UV-Visible Spectrophotometer at a cost not to exceed \$10,000.00 chargeable to and payable from Capital Budget Account No. WD-81-03 (4-05-05-0200-81), Department of Water.

Also,

No. 3071 Resolution providing for a Contract or Contracts for the Purchase of 14 Level and Flow Recorders for the Operations & Control Panels at the Water Treatment Plant, at a cost not to exceed \$35,000.00 chargeable to and payable from Capital Budget Account No. WD-81-03, (4-05-05-0200-81), Department of Water.

Also,

No. 3072 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to contract for services to check the electrical system involved with the high voltage transformer utilized in the operation of the number 5 pump at the Herron Hill Pumping Station, at a cost not to exceed \$400.00, payable from Code Account 1701, Misc. Services.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3082 Resolution authorizing the issuance of a warrant in favor of Dennis Lattner & Suzanne Marie Lattner in the amount of \$122.70 in payment for 1982 rental of Spring Street Tot Lot, furnished for the benefit of the City without previous authority of law, chargeable to and payable from Code Account 1801, in the Department of Parks and Recreation.

Also,

No. 3083 Resolution authorizing the issuance of a warrant in favor of Duquesne Light Company in the amount of \$548.50 in payment for locks for Parks Department enclosures, chargeable to and payable from Code Account 1801, Misc. Services, Dept. of Parks and Recreation.

Also,

No. 3084 Resolution authorizing the issuance of a warrant in favor of William Geiselhart Landscape Service in the amount of \$1,890.00 in payment for trees planted at Point State Park, chargeable to and payable from Code Account No. 1829, Misc. Services, Supplies, Materials, Repairs and Equipment, Point State Park Division, Dept. of Parks and Recreation. Prior approval granted by Council Bill No. 2907, dated May 4, 1983.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3085 Resolution providing for a Contract or Contracts or the use of existing Contracts for the installation of capacitors or other energy saving devices to existing equipment and electrical systems in the Department of Parks and Recreation's facilities at a cost not to exceed \$10,000.00, chargeable to and payable from Project Code 4-10-15-0100-83 (PR 83-22), Reduction of Energy Costs at Various Recreation Centers by adding Capacitors to Motors, in the Department of Parks and Recreation.

Also,

No. 3086 Resolution providing for a Contract or Contracts or the use of existing Contracts for the repair of

various facilities within the Department of Parks and Recreation at a cost not to exceed \$20,000.00 chargeable to and payable from Project Code 4-10-15-0002-83 in the Department of Parks and Recreation. (Project PR83-17 Major Repairs and Emergencies).

Also,

No. 3087 Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in conjunction with the 1983 Summer Recreation Program at a cost not to exceed \$16,000.00 chargeable to and payable from Code Account SPPTF, Department of Parks and Recreation.

Also,

No. 3088 Resolution amending Resolution No. 95 eff. February 21, 1983 entitled, "Providing for a Contract or Contracts or the use of existing Contracts for bituminous and concrete paving and fence installation at various park locations, and providing for the payment of the cost thereof", by increasing the amount from \$120,000.00 to \$150,000.00 chargeable to and payable from 4-10-10-0001-83 (PR 83-11) Rehabilitate Existing Playgrounds, Dept. of Parks and Recreation.

Also,

No. 3089 Resolution providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the design of an access road from Commercial Road to Fern Hollow in Frick Park at a cost not to exceed \$10,000.00 chargeable to and payable from Project Code 4-10-01-1345-83 (PR 83-03), Frick Park, Reconstruct Road, Dept. of Parks and Recreation.

Also,

No. 3090 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for William Allen and Robert Wagner to travel to the Cleveland Zoo to deliver a female tiger on May 25-26, 1983, no cost to be incurred by the City for this trip. Use of a City Vehicle is requested.

Also,

No. 3091 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Carl A. Mancuso to attend a conference of the National Recreation and Park Association in Washington, D.C. on June 7-9, 1983, at a cost not to exceed \$550.00, payable from Code Account No. 1838, Misc. Services, Bureau of Recreational Activities, Dept. of Parks and Recreation. Also, request use of City Vehicle PR4 for transportation to and from the airport and to be reimbursed for the cost of parking.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3073 Petition from the residents of Esplen, requesting a public hearing to discuss the suspicion of arson in the Esplen area.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3074 Resolution providing for the implementation of a Residential Sticker Parking Program in the Oakland community, pursuant to Pittsburgh Code,

Chapter 549.

Also,

No. 3075 Resolution approving the sale of Parcel 107 (1809 Webster) in the 3rd Ward of the City of Pittsburgh by and between URA and Otis King and Evelyn King for \$35,000.00 — Redevelopment Area No. 31.

Also,

No. 3076 Resolution approving execution of a Disposition Contract by and between URA and Infil Housing Corporation for the sale of Block 45H Lots 257 and 259 and Block 45M Lot 62 in the 26th Ward of the City of Pittsburgh for \$20,000.00 — Neighborhood Housing Fund (Hamilton Place and N. Charles Street). (Single Family Housing)

Also,

No. 3077 Resolution approving execution of a Disposition Contract by and between Matthew Charles Bousquette for the sale of Block 23J Lot 68 in the 25th Ward of the City of Pittsburgh for \$1,300.00 — Neighborhood Housing Fund (500 Jacksonia Street). (Resale for rehabilitation)

Also,

No. 3078 Resolution approving execution of a Disposition Contract by and between URA and Mario Didiano and Rosario Didiano for the sale of Block 124J Lot 59 in the 12th Ward — Residential Land Reserve Fund (533 Lenora Street).

Also,

No. 3079 Resolution approving Contracts by and between URA and various Redevelopers for the sale of

properties in the City of Pittsburgh — for \$100.00 per lot in the 10th Ward at per the Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3080 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh — 10th, 13th, 15th & 18th Wards for \$1.00 per lot as per the Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3081 Communication from Robert H. Lurcott, Director, Department of Planning, City of Pittsburgh, requesting authorization for himself to attend a workshop on public/private partnerships in real estate development in Philadelphia, PA on June 9-10, 1983, at a cost not to exceed \$980.00 payable from CDPA 4-35-01-0001-82-49-82-35.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3092 Resolution providing for the issuance of a warrant to James C. Eastley and James C. Eastley, Inc. a corporation, in the amount of \$45,000.00 in full settlement of claims for property damage resulting from water main breaks, and providing for the payment thereof.

Also,

No. 3093 Resolution providing for the issuance of a warrant to Duquesne Light Company, c/o George John Steffish, III, Esquire, 710 Chatham

Center Office Building, Pittsburgh, PA 15219 in the amount of \$1,800.00 in full and final settlement of a cross-claim of a lawsuit arising from damages suffered as a result of a motor vehicle accident at the intersection of Bingham and Sixth Streets in the City of Pittsburgh on December 9, 1980.

Also,

No. 3094 Resolution providing for an Agreement or Agreements with Ruth Law for stenographic reporting services in connection with public hearing(s), at a cost not to exceed \$1,200.00 payable from Code Account No. 1035, Misc. Services, Commission on Human Relations.

Also,

No. 3095 Resolution amending Resolution No. 33, appr. January 31, 1983, eff. February 7, 1983, entitled, "Providing for an Agreement or Agreements with Psychological Service of Pittsburgh for professional services," by increasing the costs from \$12,000.00 to \$24,000.00.

Also,

No. 3096 Communication from Edward A. Walkowski, Manager, Department of City's Information System, requesting authorization for David Atkins and John Good to attend the Honeywell Level 66 System Course T65C: DM/IV/TP Online System Optimization in Atlanta, Georgia from June 20-24, 1983, at a cost not to exceed \$3,500.00 payable from Code Account No. 1043, Misc. Services, City Information Systems, Dept. of the Mayor.

Also,

No. 3097 Communication from

Melanie J. Smith, Director, Dept. of Personnel, requesting authorization for David Farely to attend a meeting of the Pennsylvania Association of Prime Sponsors in Harrisburg, Pa., on May 19, 1983, at a cost not to exceed \$260.00 payable from CETA Trust Fund, federal funds. Prior approval granted by Council.

Also,

No. 3098 Communication from Melanie J. Smith, Director, Dept. of Personnel, requesting authorization for Malcolm Taylor to attend the joint meeting of the National Association of Private Industry Council and the Mid-Atlantic Association of Prime Sponsors in Richmond, Virginia on June 9-10, 1983, at a cost not to exceed \$475.00 payable from CETA Trust Fund, federal funds.

Also,

No. 3099 Communication from George R. Whitmer, Chairman of the Stadium Authority, City of Pittsburgh submitting the first operating budget prepared by the Stadium Authority for 1983-1984. Operating under the new Agreement, approved by Council Bill No. 812 of 1982 reducing the City's annual financial commitment from \$1,820,000.00 to \$1,772,000.00 payable from the City's General Fund, Code Account No. 53-1.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3100

Report of the Committee on Finance for

May 18, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2972

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Independent Enterprise Inc., Box 221, Bridgeville, PA 15017, in the amount of \$71,100.00 in payment for Relay of an 8" Water Line under the Parkway West at the South End of the Fort Pitt Tunnels, furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 2979

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of George L. Alexander in the amount of \$85.00 in payment for the purchase of birds for display at the Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2980

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Fouts Zoological Co. Inc., in the amount of \$532.50 in payment for the purchase of birds for display at the Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 2985

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of South Hills Computer Center, Inc., P. O. Box 10902, Pittsburgh, Pennsylvania 15236, in the amount of \$1,830.02, in payment for services furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3006

A Resolution entitled, "Resolution providing for the issuance of a \$1,409.25 warrant in favor of Eva R. Mars, Bernard Goodman and the estate of Meyer Sachs, deceased, in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3007

A Resolution entitled, "Resolution providing for the issuance of a warrant to Norbert Moss, c/o John P. Gismondi, Esquire, 808 Grant Building, Pittsburgh, PA 15219, in the amount of \$35,000.00 (City's share) in full settlement of a lawsuit wherein Plaintiff claimed damages for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 3008

A Resolution entitled, "Resolution providing for the issuance of a \$1,435.34 warrants in favor of Harry Kaufman in settlement of claim for vehicle damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3009

A Resolution entitled, "Resolution transferring \$458,000.00 (four hundred fifty-eight thousand dollars) from Code Account 46, Judgments and Interest on Judgments, to the Department of Parks and Recreation's Special Summer Food Service Program Trust Fund."

Which was read.

Also,

Bill No. 3010

A Resolution entitled, "Resolution

transferring \$5,500.00 from Code Account No. 10, Accounts Payable Prior Years to Code Account 1838, Miscellaneous Services, Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3011

A Resolution entitled, "Resolution amending a portion of Resolution No. 262 approved April 8, 1983 entitled, 'Providing for an Agreement or Agreements with various agencies, effective April 1, 1983, for the implementation of the City of Pittsburgh's Summer Youth Employment Program and providing for the payment of the costs thereof.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3012

A Resolution entitled, "Resolution providing for an agreement with an architect or architects for professional services in connection with the design of the Law Department entranceway and hall; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

On the bills in Finance, may I please have my vote on 3012 recorded as no and my comments from the other day brought forward, please.

MICHELLE MADOFF'S REMARKS ON BILL NO. 3012 FROM THE MEETING OF WEDNESDAY, MAY 18, 1983.

Michelle Madoff:

Discussion. I'll do it for nothing, Danny.

Mr. Pellegrini:

Will it look like nothing?

Michelle Madoff:

No, it will look like my house, which is very lovely. Why do you need \$1,500.00, or will you use the full amount? Is the \$1,500.00 just for the design?

Mr. Pellegrini:

Just for the design.

Michelle Madoff:

And, what do you plan to do after the design, do you plan to—

Mr. Pellegrini:

We want to see what the design is and how much money we have available to do it. We told them that we'd like to have a simple design so it looks nice and serves the public.

Michelle Madoff:

How do you feel about that having a priority before Council members having adequate facilities?

Mr. Pellegrini:

I don't set the--

Michelle Madoff:

I will vote no on this bill.

The Chair:

All in favor signify by saying aye.

Michelle Madoff:

Opposed.

Mr. Robinson:

Opposed.

Michelle Madoff:

Roll call vote, please.

The Chair:

So far, the Chair sees two people opposed, Michelle and Mr. Robinson. Everyone else is for.

Michelle Madoff:

May I comment before we vote, or is that out of order?

The Chair:

Go ahead.

Michelle Madoff:

I think all of us know that we need more space. Thanks to Councilman O'Malley we are getting a little more space for some of the Council members, but not everybody is being treated equally. I cannot see spending \$1,500.00 just for the architectural design, then money to put in the space for the Law Department, then the equipment for the Law Department—we're not even going to buy it from repossession where you can buy it 20 cents on the dollar for the finest equipment. I think we have got to have space to serve our constituency. I would say no until Council members have adequate space.

Mrs. Masloff:

That Law Department looks like a dungeon.

Michelle Madoff:

So do some of the offices, some of them look like holes in the ground.

Mrs. Masloff:

I think that Law Department needs updated, it is a disgrace. I don't think it has been touched for 9,000 years.

Michelle Madoff:

Sophie, you're absolutely right. Have you been into Councilman Givens' office? It is so tiny you can barely turn around. He had to get another room down the hall for somebody else. Mr. Woods moved in and, because he is big and brawny he took over our board room. If I did it they would have had me evicted with the police.

The Chair:

On Bill 3013, a communication from—

Michelle Madoff:

We haven't voted on Bill 3012, have we?

The Chair:

Yes, we have.

Michelle Madoff:

What is the vote on that? May I hear the vote please.

The Chair:

Seven for, two against.

Michelle Madoff:

Does that vote stand?

The Chair:

Yes.

(END OF MICHELLE MADOFF'S
REMARKS ON BILL NO. 3012)

Michelle Madoff:

For the benefit of the reporter who said that I was worried about my office not being large enough and being second only to Mr. DePasquale's, my office is not only large enough, but I have another office. I was concerned about the rest of my colleagues, and I have subsequently learned from a number of design people and builders that anybody doing the work will do the design, a \$1,500 design for nothing.

On Bill 3012, to design a doorway for the Law Department will be done

gratis by anybody doing the actual physical work and putting in the equipment; and for us to spend \$1,500 just for a design, not even for the work, when my colleagues don't have adequate space, I think it's irresponsible, and that's my reason for voting no. First things first.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3101

Report of the Committee on Public Works for May 18, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2968

A Resolution entitled, "Resolution further amending Resolution No. 316, approved April 18, 1980, effective April 25, 1980, as amended by Resolution No. 709, approved August 1, 1980, effective August 8, 1980, entitled 'A Resolution providing for a Contract or Contracts for improvements to the Chestnut Street Intersection, (PW 80-23); and providing for the payment of costs thereof,' by decreasing the total project allocation by Fifty One Thousand Three Hundred Twenty One Dollars and Two Cents (\$51,321.02)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3102

Report of the Committee on Planning, Housing and Development for May 18, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2765

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Mercy Hospital of Pittsburgh for permission to construct a private hospital heliport on hospital property located on the northwest corner of the BOULEVARD OF THE ALLIES and MARION STREET as zoned "I-C" Institutional-Civic District, 1st Ward."

Which was read.

Also,

Bill No. 2838

A Resolution entitled, "Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1983 Community Development Block Grant Program; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2988

A Resolution entitled, "Resolution amending Resolution No. 1088, approved October 29, 1981, effective November 12, 1981, providing for an Agreement or Agreements with the West End Health Center and the Urban Redevelopment Authority, so as to assist in the purchase of the building located at 441 South Main Street."

Which was read.

Also,

Bill No. 2989

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Ernest T. Williams Center, located in the Northview Heights, and the Urban Redevelopment Authority, for the renovation of the community facility and day care center, at a cost not to exceed \$19,500.00."

Which was read.

Also,

Bill No. 2992

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Neighborhood Centers Association, located on the East North Side, and the Urban Redevelopment Authority, for the construction of a community facility, at a cost not to exceed \$75,000.00."

Which was read.

Also,

Bill No. 2993

A Resolution entitled, "Resolution providing for an Agreement or Agreements with The United Cerebral Palsy Association, located at Center Avenue and Neville Avenue in Shadyside, and the Urban Redevelopment Authority, for the installation of an elevator to assist the elderly in using the facility, at a cost not to exceed \$40,000.00."

Which was read.

Also,

Bill No. 2996

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the South Oakland Citizens Council and the Urban Redevelopment Authority for the purchase and renovation of a structure for use as a social service center for the elderly and persons recently released from state institutions, at a cost not to exceed \$70,000.00."

Which was read.

Also,

Bill No. 2997

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Golden Carriage, a non-profit organization, located in Lawrenceville, for a one-time purchase of a van to provide transportation services to elderly, at a cost not to exceed \$14,000.00."

Which was read.

Also,

Bill No. 2998

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Progressive Home Federal Savings and Loan and designated as Block and Lot 14-J-280 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2999

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Charles J. and Emily A. Johnson and designated as Block and Lot 14-J-281 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3000

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by James G. and Oranetta D. Sanders and designated as Block and Lot 14-J-279 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3001

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Sarah Beatrice Hampton and Daisy Perdue and

designated as Block and Lot 50-L-89 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3002

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3003

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHAB)."

Which was read.

Also,

Bill No. 3024

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh Action

Against Rape for professional services in connection with their counseling program for sexually abused children in an amount not to exceed \$50,000.00, chargeable to and payable from the 1983 CDULO, Project No. 4-40-05-0500-83-914-83-35."

Which was read.

Also,

Bill No. 3028

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Oakland Planning and Development Corporation, Inc., for the City's share of funding for the continued involvement and execution of revitalization programs and projects in the Oakland Community."

Which was read.

Mr. Flaherty:

I have a question in regard to the bills that pertain to appropriations from the Community Development Block Grants.

Michelle Madoff:

Which bill is that, Councilman?

Mr. Flaherty:

Bill No. 2838 through — well, there's about eight of them, I believe, 2838, 2988, 2989, etc; and I want to direct my question to Councilman Robinson, who chairs the Planning, Housing and Development.

Is Council going to receive any more proposed appropriations from CDB Grants in the near future, or is this the only group that we will be accepting?

Mr. Robinson:

There are approximately three or four additional requests that the Administration has made that have been held for various reasons. Of our total appropriation for Unspecified Local Options, which was \$991,000, in fact, Council at my request added an additional \$250,000 to the original amount, which brought us up to \$991,000. Of that total amount the Administration has recommended that all but \$170,000 be spent. Out of that \$170,000, Councilman O'Malley introduced legislation today for \$50,000, so that \$170,000 is down to \$120,000.

In addition to that \$120,000, the City is to receive another \$7.1 million, which the Administration has made some recommendations on, and a public hearing will be held on Wednesday, at 6:30 in Council Chambers; so I would anticipate that, other than the \$7.1 million, that the Administration to-date has made all of the requests that they're going to make, that the bills before us plus the three or four that we're holding represent what they would like to see us do with our Community Development Block Grant money in 1983, and that we have left right now \$120,000.

Mr. Flaherty:

I have another question, Bill. Do you know the number of total requests that were received at Community Development?

Mr. Robinson:

Approximately 200 requests were made, some in 1982, some in 1983. I spoke with Mr. Young, our Director of Community Development, concerning the process that was utilized. If Council will remember, about a year or so ago I had recommended that we establish some

process by which we could get a better handle on the types of grants we would like to make, some deadlines in terms of submission, and some review process. The Planning Department did forward to Council some recommendations, and it is my understanding that they carried out those recommendations in 1983 in terms of guidelines.

One of the difficulties seems to be that organizations and groups that previously had submitted a request and had been turned down perhaps were not considered again in 1983, that the practicality of the situation dictated and those organizations that applied in '83 probably are the ones that received the most consideration.

Now, I think it is fair to indicate that I did discuss very extensively with Mr. Young the recommendations that he was making and what I thought we should do relative to our Community Development funds. It's rather obvious in the responses that Mr. Young gave me both verbally and in writing that the Administration, the Mayor's Office made the final determination as to which project should be submitted to us for our evaluation and our final approval or disapproval.

In that regard, the process has remained the same that is the Administration, the Mayor's Office has had the final say in terms of which projects are recommended to this Council, regardless of when an organization applied and regardless of what kind of process was utilized. I don't think there's any doubt that that occurred this year. I'm not suggesting that there's anything improper with that procedure, but I think that basically what has occurred is that the Administration has identified those projects that it thinks are worthy of funding through Unspecified Local Options, has

forwarded those recommendations to us, and hopes that we will approve them.

Mr. Flaherty:

Okay, am I correct in saying that Council will only have the opportunity to weigh approximately 12 of those requests out of approximately 200 and that the others or that the remaining 188 requests were either preempted through the Mayor's Office or through the City's Department of Community Planning?

Mr. Robinson:

Most of the projects for funding are directed towards the Planning Department. This is another recommendation I have made to Council that we request groups and organizations to go to the Planning Department first, find out what the procedures are, what the requirements are, that Planning then make some recommendations to us; and I indicated that I thought that was the best way to go, because regardless of the worthiness of an organization or how much we might want to help certain individuals, if the projects don't fit into the guideline, and if all the necessary paperwork isn't done, we can't fund the project.

Council always has the option of rejecting any project that is recommended for funding. We're under no obligation to fund any of the projects that the Administration has recommended to us. We also can entertain at any time projects that are submitted directly to us. If we want to say that people can give up proposals, fine, but we still have to make sure that they meet the guideline. We have the final approval.

Of those organizations that were not funded, I looked at the total list. There were many worthy groups and

organizations. I'm not quite sure of the exact criteria that the Administration used except that they excluded, as I understand it, organizations that were providing a public service. They obviously did not exclude all organizations that were providing a public service. There seems to be an interest on the part of the Administration, at least stated by Mr. Young, not to fund any type of activity that is identified as a public service. Some activity that they perceive should be funded by some government agency, some other governmental agency, some community group or organization, the United Way, etc. I don't think there is a lot of clarity on that point, and I think there are some public services that we have funded and some public services that we have decided not to fund.

The \$7.1 million is coming in to the City, the new Community Development funds. To my knowledge, we could take a portion of that money and fund some of the other organizations. We could fund all of them, because with \$7.1 million we literally could fund everyone who's requested funds to-date. I'm not recommending that, but I'm just saying that we do have a lot more say-so in this process, and we certainly can set requirements for how those proposals are to be received, and we can certainly determine how much of our CD funds we want to specify from Local Options.

One last comment, if I might. During budget time when we receive the Community Development Budget from the Administration, the recommendations, particularly this year I think it would be very wise for Council to look at how the Administration is proposing that we spend the CD moneys. What usually happens is that those projects that are not included in what you might call their hardbudget are then recommended for funding under

Unspecified Local Options. Unspecified Local Options is the money that Council has set aside for itself to fund projects, yet we are not directly and substantively involved in that process. The Administration uses that money to fund those groups and organizations that they didn't put into the hardbudget. I don't think that's fair. I don't think that's right. I don't think that Council should continue to go along with that. We're the ones that are squeezed and harassed in some instances by community groups and organizations that feel they have a worthy cause; and when we look for money to fund them, we find that the Administration has already allocated the money or the money's no longer available.

I would hope that my colleagues would look very carefully at the CD budget proposal for 1984 and that we would take a larger portion of the Community Development dollars for our own Unspecified Local Options.

Mr. Flaherty:

Yes, I just have one more question. Had all members of Council received the names of the 200 organizations that had submitted requests?

Mr. Robinson:

To my knowledge, all of the material that was forwarded to Mr. Young's office was available to any member of Council, but there was no distribution of that information. The only indication that Council as a body had of how this money was to be allocated was when Mr. Young sent to me an official memorandum outlining that information and asked that I share it with other members of Council, so there was no knowledge on the part of Council as a body that 200 or some organizations

had applied for CD funds.

Mr. Flaherty:

But did he send to you the 200 organizations?

Mr. Robinson:

No, what Mr. Young sent to me was a listing of those projects that the Administration felt they wanted to fund. He also sent to me a list of those organizations that the Administration did not want to fund. That list contained approximately 25. It was at that point when I got the information and sat down with Mr. Young to talk to him about it I asked him how many groups and organizations applied. He said, "There's about 200 because we have some from last year", and I said, were any of those groups considered this year?" He said some were, some weren't, but when I looked down the list it was obvious that most of the groups and organizations had submitted their applications this year, and most of those groups and organizations were ones that we had had some previous dealings with. Either they had come in at budget time and requested a grant or donation, or they're organizations that traditionally have requested help from Council, but there are a lot of organizations that I know of personally that were not even considered this year for whatever reason. Certainly their name was not on that list of 25.

Mr. Flaherty:

Had they supplied the criteria for either accepting or rejecting any of the request? For example, was there the reasoning beside each of the requests or no? Did they just say accept it, reject it?

Mr. Robinson:

The ones that were rejected, there was a column which indicated why it was being rejected. Most of the organizations that were denied funding were identified as organizations providing a public service. I discussed this issue extensively.

Michelle Madoff:

What do you mean by public service?

Mr. Robinson:

Mr. Young indicated to me that it was his understanding that a public service was some type of service that was provided by an agency such as the United Way or should be provided by them and was something that government, at least our government, should not be funding. I disagreed with him because I told him I did not think we had a valid criteria or definition for public service and that many of the groups and organizations that we were funding indeed were providing a public service. I mentioned last Wednesday that Pittsburgh Action Against Rape provides a public service, and if we followed Mr. Young's line of reasoning, we would not be funding it, and there's several other organizations that perhaps we'll fund today that are public-service oriented. Very specifically, Councilman Flaherty, I have not received from Mr. Young the written criteria by which the groups and organizations were selected, but the vast majority that were rejected were rejected because they provided a public service. I did indicate to Mr. Young that I felt that we needed Council and the Administration to sit down and very carefully identify what types of projects we were willing to fund and that we should be very forward and very honest with the public if we did not want

to fund public services, but there was no doubt in my mind that with the cut-backs at the state and federal levels, many worthy groups and organizations were going to ask us to fund programs. Pittsburgh Action Against Rape is a prime example. There will be more, not fewer, and unless we have a good solid criteria, we will simply be making political decisions on each and every group, and we'll be back to where we were before, with literally no criteria except what organization can muster five votes, and I don't think that that's the way we ought to be operating.

Michelle Madoff:

May I add to that, Councilman Robinson? The other day I went to the CTAC reception, and I was delighted to be introduced to a gentleman who is now in charge of disbursing and gathering funds from private corporations, their charitable dollars; and as you know, during the budget time last year many groups came to us, and they were unprepared, they don't even know how to prepare a proposal; and this Council has been very — in the past not been too happy with the CTAC Community Technical Assistance Center. It seems to have got its act together and is doing a much better job, and much of their projects are being funded through this private sector dollars and through this gentleman is handling, I don't have his name, handling the dollars, but I think your point is so well taken that we're damned if we do and damned if we don't.

Who is going to vote against giving money to cerebral palsy? Who is going to vote against an elevator for the handicapped people, cerebral palsy, people who can't get into an elevator? There are many causes just as worthy, and I think that what we need to do is to start exercising the power of this Council, and that is with six votes we

can veto what the Mayor may or may not propose; and I think your position that we take a large portion of the dollars and decide how that money is going to be spent and go beyond that to help groups that don't even know how to prepare proposals, see that they know that CTAC is available to them and see that on a priority level we don't accept one and turn another down. For example, what bothers me the most right at the moment is the CAPI group that came to us, couldn't even get a hearing before this Council, because they are cut off with CAPI dollars; and they are in the middle of a course to learn how to be computer technologists. They're almost through their course, and there's all kinds of jobs for those people, but there's no money to finish their training. Now, that would be something that would be so productive. It would create jobs and tax base and so on; and I think that what is in order, if you might accept a suggestion, Councilman Robinson, is a public hearing. You know this business of your saying, and I have done it with the Mayor repeatedly and others have, and I know, Mr. DePasquale has tried, that we ought to sit down with the Administration and talk is a lot of rhetoric. It's like hitting your head against a stone wall. They're not going to do it. What we need to do is schedule a hearing and invite the Administration and the Planning Department and say, "Now here is our concerns. We want to come up with legislation, and this is how it's going to be, and we're going to stick together as a body on Council, and you're going to have to deal with us." We're not going to be windowdressing.

Mr. Robinson:

If I just might remind Council that every year since we've had Community Development Block Grant funds in the City there has been a mandated public hearing at which time the Administration

does come in and make their presentation as to how they think these funds should be spent. That hearing is preceded by a number of community hearings, so there is lots of opportunity for us to do it. What has happened in the past is that members of Council when they attend those hearings and participate very seldom make the kind of suggestion that you just made; that is, in terms of saying we are going to introduce legislation. If Council will remember several months ago, I introduced a bill into Council to specifically earmark how our Community Development Block Grant funds would be spent; and the Administration indicated they did not think that the procedures that I suggested made very much sense, so unless we will support Council-drafted legislation as to how these CD funds will be spent and unless we speak up at these hearings, we will always be in this bind where the Administration will make the sole decision as to who gets the money and doesn't; and then we will be left with the responsibility of trying to make excuses to those groups and organizations that don't receive the money.

I'll say it just one more time. There is enough money in the City of Pittsburgh for us to equitably distribute it among worthy and needy groups and organizations. If we set up an orderly process, everyone can, in fact, get an opportunity for some CD money.

Mr. O'Malley:

I have just a couple of quick questions. Out of \$991,000 that we received on Council as Unspecified Local Options and \$821,000 been spent, were any of those programs initiated by members of this Council? Were they all from the Administration?

Mr. Robinson:

To my knowledge, the only project that was recommended by a member of Council where a member of Council actually sponsored legislation was the bill that Councilman Givens sponsored to provide \$22,500 for the Bloomfield-Garfield Corporation. In fairness to the Administration, many members of Council are in correspondence and in communication with the Administration and Mr. Young of the Planning Department relative to organizations and groups they think should be funded, so I am not sure if all the groups and organizations that have been recommended for funding are groups and organizations that solely were picked by the Administration. In fact, I know that the Administration does get some input from individual members of Council; and when the legislation comes through, it comes through from the Administration.

Michelle Madoff:

Excuse me. Wasn't the Women's Shelter one of the groups?

Mr. Robinson:

The Women's Shelter proposal, if I'm not mistaken, was submitted by the Administration.

Michelle Madoff:

No, sir, I think it came from this Council.

Mr. O'Malley:

I think what Bill Robinson is saying, Tom and Michelle, is that Unspecified Local Options held by City Council is money to be appropriated by members of this Council; and what he's saying is out of \$991,000 that's used for our discretionary fund the Administration

has already spent \$821,000.

Mr. Flaherty:

I agree.

Mr. O'Malley:

Now, when you come up with a program or Michelle comes up with a program, I came up with Pittsburgh Action Against Rape, which I think is a worthwhile program, the Women's Shelter, when we come with our own programs, there's not going to be any money left, and a lot of the times this Council is the last resort a lot of people and a lot groups have; and I think what Mr. Robinson is saying is we better start taking a closer look at what the Administration sends over here, and if need be vote it down.

One more quick point, Bill. We always say that these programs are picked by the Administration. Now, when you say the Administration, are they picked by Mayor Caliguiri or are they picked by Mr. Young? I mean, who is the Administration? I would rather have a program picked by Councilman Robinson, Councilman Flaherty, and Michelle Madoff so we know we can define who picked that program. By sending over a blank 30 programs to be funded, I don't think it's right, and I think we ought to certainly look into approving those bills a little more closely.

Mr. Robinson:

I think that if Council thinks back to the Monday session when I recommended that we delete \$250,000 from an Administration proposal and add that \$250,000 to our Unspecified Local Options Fund, you will see even more clearly our dilemma. If you now subtract \$250,000 from our Unspecified Local Options, you will be subtracting \$250,000

from \$120,000. I mean literally there was not going to be any Unspecified Local Option money for us to utilize. That \$250,000 took us up from \$771,000. That's all the Administration had made provision for, and I remember during budget saying to this Council let's take 10 percent of the Community Development dollars and put them in Unspecified Local Options, which would have given us approximately \$2.2 million.

The Administration recommended \$771,000. I indicated we should take another \$250,000, so while we are now aghast at the fact there's only \$120,000 left, if the Administration had had their way, there would be absolutely nothing.

Michelle Madoff:

Aye, and I would just like to point out there is a hearing coming up, is there not, Mr. Robinson, scheduled on exactly the subject? I think it's June something.

Mr. Robinson:

Hearing on which subject?

Michelle Madoff:

Exactly what we've been discussing now. There's a public hearing on appropriation. It was advertised in the paper.

Mr. Robinson:

If I'm not mistaken, that hearing is this coming Wednesday at 6:30 in City Council Chambers. That's on the \$7.1 million in additional money.

Michelle Madoff:

That's correct, and I think we ought to be here.

Mr. Robinson:

Yes, I think Council should always keep in mind that regardless of what the Administration is proposing to us, we still have the ability to determine how we want the money spent; and I would suggest to Council that of that \$7.1 million that we take a good portion of it for projects that we want to see funded and that we make some recommendations to ourselves and that we be courageous enough and straightforward enough to indicate that we want to have direct input into how that money is spent.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3103

Report of the Committee on Parks and Recreation for May 18, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2981

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Robert Morris College for services in conjunction with Oktoberfest '83 and providing for the payment and reimbursement to the City by Robert Morris College; providing for the payment of the City's share of the cost and providing for the deposit of funds. The cost of the program is not to exceed \$30,000.00 and is chargeable to and payable from Code Account Special Parks Program Trust Fund (SPPTF), in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 2982

A Resolution entitled, "Resolution amending Resolution No. 1150 effective November 14, 1980 entitled, 'Providing for the letting of a Contract or Contracts in connection with the renovation improvements of the Children's Zoo; and providing for the payment of the cost thereof,' by including the use of existing Contracts."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. O'Malley (Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mrs. Masloff presents

Bill No. 3104 WHEREAS, in 1953 Soviet Jew Avraham Shifrin, Chief Legal Advisor in the Contract Division of the Ministry of Defense in Moscow, was arrested and accused of being a spy for Israel and America and imprisoned for 10 years, then spent 4 years of internal exile; and

WHEREAS, Mr. Shifrin is one of an estimated five million prisoners held in approximately 3,000 punitive institutions in the Soviet Union; and

WHEREAS, he has survived this persecution and is presently Executive Director of "The Research Center For Prisons, Psychprisons And Forced Labor Concentration Camps of the U.S.S.R.," and his latest book, "First Guidebook To The U.S.S.R." is the Book-Of-The-Year in Europe; and

WHEREAS, on Tuesday, May 24, 1983, at Pittsburgh's Soldiers And Sailors Memorial all, Avraham Shifrin will lecture on the human rights situation in Russia and present the world's only existing documentary film of the Soviet slave labor camps; and

WHEREAS, Avraham Shifrin is a symbol of all Jewish people in Russia who are denied their religious, human

and civil rights.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby welcome Avraham Shifrin to our City, and honor him for his courageous stand in the face of oppression, and for drawing our attention to the importance of human rights and the dignity of life.

Mrs. Masloff moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I have two quick items. Mr. Perry, the Shady Lane Improvement Council sent a petition in with reference to the Giant Eagle parking situation. Have you scheduled a hearing for that?

Mr. Perry:

Tuesday, June 28.

Michelle Madoff:

May I suggest that before Tuesday, June 28, you have the appropriate agency, Planning, meet with Mr. Porter. He has told me that he is prepared to take care of the problem.

Mr. Perry:

We'll still have that hearing.

Michelle Madoff:

Well, what I'm saying is that you may not want to have a hearing. He may just take care of it.

Mr. Perry:

We have it by law on the zoning.

Michelle Madoff:

Fine. But I'm just telling you it would be a good idea, a) to let Mr. Porter know I've got his address and his given me a promise that he's going to take care of the problem. That's item one.

Item two - Do you recall, Mr. President, the other day I questioned a piece of property because the name sounded familiar to me, on Zamma Road and we took it off and it's like, you know, unless you live in the area, you don't know about it. I'm familiar with only two pieces of property that have come before this Council that registered with me. One was on Belfont Street that we were asking \$2,300 for and I put in a bid to prove that there was property available that was good property and I bid, I think \$6,000, and gave it to the two young people who wanted it and didn't charge them a penny just to make the point that the properties were available.

Well, this Zamma property, I've been trying to buy it for fifteen years. I was confused. There were two properties. Zamma sounded familiar and there's another road down the street behind the Beechwood fence, you know where the Beechwood Gardens used to be, the part that just sort of overlooks, and there's another road behind that where they do the dumping. And I couldn't believe when they said \$500 for Zamma Road, I said I've got to be mistaken, it's got to be the wrong piece of property. Well, I went over and looked at the property yesterday and I'm going to be checking it out. The information I have is that they're asking \$500 and that the reason for that is that they bought it for, I don't know whether it was a taking or a tax problem, in

1946. The people who lived there, a physician and his wife, have been trying to buy that property because it abuts their property, so they had called me about it.

I understand that Howard Hannah said it's only worth \$460. Well, I want to speak to Howard Hannah about that. Presumably, there's no water or sewage on the property but the property is less than a quarter of a block from Beechwood Boulevard. It is one back yard lot from houses on one side and across the street from houses on the other side. So, we're not talking about going far to get sewage, electricity and utilities.

I want that one check very thoroughly and I will personally be looking into it. That gets back to my point of giving everybody equal access. Somebody went down, as I understand, the people who are interested in buying this property said, "We'd like to buy a piece of property to buy a house" and somebody went through and showed them this nice piece of property. Well, that's very nice but I would like to know that every person out there, people maybe wanting to build their own homes or maybe the reason they're not building it is the cost of the property would offset the cost of the interest and mortgage rates. If you could buy a piece of property like that for \$500, even \$5,000, it is a steal.

Mrs. Masoff:

Michelle, wasn't that property always there, available for anybody to go and look and bid on it?

Michelle Madoff:

No, because I tried to buy it and I couldn't get any information for fifteen years.

The Chair:

If I may, Sophie and Michelle, I wanted to say that over a year ago this party that put the money down on the property showed interest. And it's just been over a year. So, I mean, it's no secret that that property was available and people were interested. This party here, I know over a year ago, called me about it. All I told them was to go down there and see the people in Lands and Buildings and find out what they had to do.

Michelle Madoff:

The last time I heard about a piece of property on Zamma Road, I was told it was a steep cliffside with hills. I will hold a press conference on that site. It is level and beautiful and right off of Beechwood Boulevard. And as Mr. Stone said, you don't buy anything in Squirrel Hill for \$500.

I have one other item of business, please. Mr. President, I need some guidance on an issue. What is the ruling or the wish of this Council when it comes to attending hearings that relate to City business? There's going to be a hearing in Washington coming up on July 13 and I don't believe there's any fee for it as far as I understand, it's a technical workshop on organic chemicals and how to treat our water system, which certainly would interest me. And I would probably drive down and it might be an overnight stay and there's a hotel room involved. But what is the ruling of this Council --

The Chair:

Michelle Madoff, it's strange me telling you this because you're the one who always hollers junkets, but any business pertaining to the City of Pittsburgh, any Councilmember can attend.

Michelle Madoff:

I don't think it's exactly a junket. But that was not my question.

The Chair:

Well, I'm just saying, if you want to go, you're entitled to go.

Michelle Madoff:

That's not my question. May I complete my question?

The Chair:

Your question was that somebody should go or you want to go.

Michelle Madoff:

No, my question is I will probably go. But my question is, what is the policy of this Council on administrative assistants going, because I would like my administrative assistance who represents me with the Water Department to be well versed in the clean-up of water.

The Chair:

I'm not sure but I think you have a problem.

Michelle Madoff:

Department heads send --

The Chair:

A Councilmember can go but I doubt if you can send someone --

Michelle Madoff:

The reason I'm asking is that department heads send other people who work for them. There may not be any money involved at all.

The Chair:

I would check it out with the Law Department. I know that the Mayor permits anybody from the Administration to go. I don't know if it's Council's prerogative to designate a research assistant.

Michelle Madoff:

I don't either and that's why I'm asking. Could we get a legal opinion?

Mr. O'Malley:

I think what Michelle Madoff is saying is that our administrative aides are just as important to us as some department heads' aides are to them.

The Chair:

I'm not arguing that, Mr. O'Malley. I just don't know if they're allowed to go. It's alright with me, I couldn't care less. I'm just saying that we want to do it the right way.

Michelle Madoff:

I want to do it the right way.

The Chair:

If it's that important and a member can't attend, I think they should send somebody to attend. But are we allowed? That's the thing.

Michelle Madoff:

That's what I want to find out.

Mr. O'Malley:

I think we're allowed. I don't think the press is going to agree that this Council has a right to go away and when you vote on a \$22 million project —

The Chair:

If you're going to worry about the press then don't bring it up. They're not going to agree to any trip that Council or any of Council's aides take.

Michelle Madoff:

Well, there's a tremendous amount of money that's going to have to be spent in the Water Department, as we all know, we're talking about millions of dollars in treatment, and today there was a bill that came up on a spectrometer for \$10,000 stating that the one we have now is obsolete and cannot adequately measure the safety of our water.

For the benefit of the media, I have a given allotment, as everybody else does in Council, of X dollars for a staff. I divide that money up among two people so that my aide can basically be here when it's important in Council to know what's going on. In the same way, she can deal with Mr. Richard Cosentino when there's a water problem. She was the one who brought to my attention a) this seminar, and also brought to my attention some things that are going to be discussed at the seminar. For her to be of value to me, I think it is terribly important that she should be at this meeting. I don't know what the ruling is. As a matter of fact, I don't think there's any money involved in it, but there may be a hotel room if circumstances are such that we have a hearing the next day and we have to fly or fly back, I would like a ruling, Mr. Perry. Can we get a ruling on that?

Mr. Perry:

Sure.

Mr. Woods moved to excuse Mr. Givens and Mr. Stone for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff moved to approve the minutes of Monday, May 9, 1983.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Mrs. Masloff:

I move to adjourn and meet again next Tuesday, May 31, 1983, at 2:00 p.m.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Tuesday, May 31, 1983

No. 22

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Tuesday, May 31, 1983

PRESENT:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

ABSENT:

Mr. Flaherty
Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Could we all remain standing and have a moment of silence for peace in the world. Thank you.

PRESENTATIONS

The Chair:

I think congratulations are in order. Mr. Robert Rade Stone was elected first Vice-President of the National Association of Regional Counsels in Kansas City, Missouri, last week.

Mr. Givens for Mr. Flaherty presented

No. 3105 Resolution amending Res. No. 1356, eff. 12/31/82, which presently reads: "Authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in various wards of the City of Pittsburgh to PA Dept. of Transportation. Deeds to be in Quit Claim form for a total consideration of \$36,500.00 as hereinafter setforth"; by changing purchase price from \$36,500.00 to \$36,510.00 and changing a portion of Section 1.

Also,

No. 3106 Resolution providing for a license to Tom Mistick and Sons, Inc. in connection with site improvements on City property adjoining 1130 W. North Avenue and No. 37 Fire Station, 21st Ward.

Also,

No. 3107 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to the publicly owned property in the 22nd and 23rd Wards under the Industrial Land Reserve Fund.

Also,

No. 3108 Resolution amending Item H of Res. No. 1210, appr. 11-21-80, for the sale of a 2 Sty. Brk. house at 6810 Frankstown Avenue, 12th Ward 125-G-76, to Robert Lee D. Bruce, for the sum of \$1,500.00 property was assigned. This amendment is to reduce the price of the property from \$1,500.00 to \$1,000.00. Roof partially collapsed.

Also,

No. 3109 Resolution amending Item E of Res. No. 254, appr. 4-20-83 for the sale of a vacant lot on Frederick Street, 27th Ward, Block and Lot 45-A-271, to Michael & Sharon M. Ehrenberger, for the sum of \$300.00. Amendment is to correct P.B. Page to read 279 instead of 306. Both the proposal and the resolution should read: Jos. Seiffert Plan, P.B.3, Page 279.

Also,

No. 3110 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3111 Resolution providing for the issuance of a permit to Charles J. Lenz to grade, pave and maintain an

unimproved portion of Sophia Street from the end of the existing paving through his property, approximately seventy-five (75) feet in the 26th Ward, City of Pittsburgh.

Also,

No. 3112 Resolution granting unto Ronald and Marlene Maglin their successors and assigns, the privilege and license to continue to use and maintain at his own cost and expense, for the duration of the present driveway and walkway that portion of Melbourne Street along side their home at 4165 Beehner Road, 15th Ward, City of Pittsburgh.

Also,

No. 3113 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Casey Company for extra work in connection with the Reconstruction for the Radcliffe Street Bridge at a cost not to exceed \$12,600.00 payable from Code Account No. PW 80-16, Radcliffe Street Bridge Replacement. Prior approval by Council on January 25, 1983.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3114 Resolution authorizing and directing the Director of the Dept. of Public Works to place on all city streets permanent signs indicating scheduled times for street cleaning.

Which was read and referred to the Committee on Public Works.

Also,

No. 3115 Resolution amending

Res. No. 94, appr. 2/3/83, entitled: "Providing for a Contract or Contracts for the Relay of Water Lines & Appurtenances in various locations and providing for the payment of the cost thereof," by reducing the appropriation therein from \$300,000.00 to \$211,258.84.

Also,

No. 3116 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment of \$291.50 for the purchase of motor oil, payable from Code Account No. 1704, Supplies.

Which were read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3117 Resolution providing for an Agreement or Agreements with the Arlington Little League Baseball Team, for purchase of baseball uniforms and equipment, to provide a baseball athletic program for needy youth, at a cost not to exceed \$772.00 chargeable to and payable from Code Account No. 1838, Misc. Services, Department of Parks and Recreation; and transferring the sum of \$772.00 from Code Account No. 10 Accounts Payable Prior Years to Code Account No. 1838, Misc. Services, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 3118 Resolution transferring the sum of \$10,000.00 from the EMS Third Party Payer Trust Fund to the Asphalt Reimbursement Trust Fund, Public Works.

Which was read and referred to the Committee on Finance.

Also,

No. 3119 Resolution providing for an Agreement or Agreements with the Stadium Authority, City of Pittsburgh, for the provision by the Dept. of Emergency Medical Services of Paramedic Services at certain events; providing for reimbursement to the City of the cost thereof; and authorizing the deposit of funds received into the "EMS Reimbursement Trust Fund."

Also,

No. 3120 Petition from the residents of Homewood, (ACORN) requesting a public hearing concerning the lack of good police protection for Homewood, especially on Frankstown and Homewood Avenues.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3121 Resolution providing for an Agreement or Agreements with the Lower Hill Outreach YMCA to provide transportation for their Summer Day Camp Program, at a cost not to exceed \$2,000.00 chargeable to and payable from Code Account No. 1838, Misc. Services, Department of Parks and Recreation; and transferring \$2,000.00 from Code Account No. 10, Accounts Payable Prior Years to Code Account No. 1838, Misc. Services, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Stone presented

No. 3122 Resolution providing for the issuance of a \$2,693.61 warrant in favor of the Housing Authority of the City of Pittsburgh for property damage

by a Dept. of Environmental Services vehicle, charging same to Code Account No. 46, Judgments.

Also,

No. 3123 Resolution providing for the issuance of a \$1,017.42 warrant in favor of Mary R. Staley for property damage as a result of a malfunction in the City's main sewer line, charging same to Code Account No. 46, Judgments.

Also,

No. 3124 Resolution providing for an Agreement or Agreements with a consulting firm for professional services in connection with the development of an Indirect Cost Schedule for submission to the Federal Government, at a cost not to exceed \$19,000.00 chargeable to and payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Also,

No. 3125 Communication from Melanie J. Smith, Director, Dept. of Personnel, requesting authorization for Josephine Kenney and Joseph Nardini to attend a CETA Closeout Briefing in Philadelphia, PA on June 13-14, 1983, at a cost not to exceed \$775.00 payable from CETA Trust Fund, federal funds.

Also,

No. 3126 Communication from Dante R. Pellegrini, City Solicitor, requesting authorization for Richard J. Joyce to attend the Public Employee Labor Law Seminar in Harrisburg, PA on July 21-22, 1983, at a cost not to exceed \$375.00, payable from Code Account No. 1075, Misc. Services, Dept. of Law.

Also,

No. 3127 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting authorization for Stephen A. Schillo to attend a One Day Health Care Cost Containment Briefings meeting at the Hyatt Pittsburgh on June 28, 1983, at a cost not to exceed \$155.00 payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Also,

No. 3128 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, submitting his report of deposits and market value of collateral Security pledged by City Depositories to secure same as of April 30, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3129 Resolution providing for the transfer of funds in the amount of \$30,000.00 from Code Account 1146, Utilities, Bureau of Automotive Equipment, Dept. of Supplies, to Code Account 1128, Misc. Services, General Office, Dept. of Supplies.

Which was read and referred to the Committee on Finance.

Also,

No. 3130 Resolution providing for an Agreement or Agreements with a Consultant or Consultants to aid the City in its minority purchasing program, at a cost not to exceed \$30,000.00 chargeable to and payable from Code Account 1128, Misc. Services, Dept. of Supplies.

Which was read and referred to the Committee on Supplies.

UNFINISHED BUSINESS

The Chair presents

No. 3131 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Council Bill No. 2940 entitled, "Resolution authorizing and directing the Mayor to form a committee consisting of heavy equipment operators and mechanics to inspect, operate, and evaluate used equipment for purchase by the City in order to obtain the best buy based on condition, prior use, maintenance, and price."

Which was read, received and filed.

(MAYOR'S VETO LETTER)

May 27, 1983

Honorable President and Members
City Council
City of Pittsburgh

Dear Mr. President and Members:

I am returning Council Bill 2940 which establishes a committee of heavy equipment operators and mechanics to inspect, operate and evaluate used heavy equipment for purchase by the City.

The Director of Supplies informs me that individuals who have heavy equipment experience participate in the formulation of specifications for the purchase of heavy equipment and evaluations of the bids received in response to those specifications. He has further informed me that he has no objection to purchasing used heavy equipment where it is in the best interests of the City to do so. It must be realized, however, that the purchase of used equipment does not always result in true cost-savings. Used equipment costs less because the free market finds that it

is worth less.

Attached is the opinion of the City Solicitor in which he held that Council Bill 2940 is an infringement upon my executive powers and is illegal. For the foregoing reasons I am returning this Bill to Council as vetoed.

Very truly yours,

Richard S. Caliguiri

/aml

(END OF LETTER)

Michelle Madoff moved to override the Mayor's veto.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. I would like to state on my oath that the Mayor and I have talked, I have talked to Mr. Schmeiser and I talked to our former Supplies Director and the present Supplies Director and they've all given me their word that they were going to look into buying not "used" necessarily, in the sense of being worn out, but repossessed equipment. Mayor Caliguiri told me as long as two years ago when we sat down and talked about whether I was going to run for Mayor in our little discussion that he had no objections to buying used equipment, at being innovative.

I've said before and I'm being redundant, the Government can no longer run by bureaucracy, it's going to have to run by innovation. We don't have money. When you go out and buy new desks for CETA jobs, we put \$1,500 into just doing a door, designing a doorway for the Law Department when the people

doing the work will design it for nothing. The Water Department tells me they're going to need close to \$1 million just to survive. We had one back-hoe that I had to plead and beg to get \$50,000 out of last year's budget to buy one, I believe, new back-hoe. The men are working.

I just came down from Greenleaf and the equipment that we're using and the roads are block off. We're having men with shovels when we could be using equipment. We're not cost effective, we don't have the equipment for the people, and one of the ways, unfortunately because of the economy, is to buy repossessed equipment that could still be under warranty. You can buy \$70,000 back-hoes for \$17,000 yet we're taking back-hoes, and I have the figures on them, that have been repaired. They're seventeen years old. We've paid almost as much in repairs as what we paid to buy them. We're renting them to replace equipment. We're renting equipment that we could be buying repossessed. I'm not talking about buying something that's falling apart. The line from the Mayor, "used equipment cost less because the free market finds it is worth less", I don't think that an executive's desk that cost \$5,000 that you can buy for pennies on the dollar costs less because it's used, it's because they went out of business. And it is irresponsible for him not to think in terms of the millions of dollars that we spend in equipment a year and that we ought to be looking to be buying some of this equipment, not all of it, certainly we don't want to buy fire trucks or paramedic trucks, we don't want to do anything illogical.

My office desk for my aide, every time she opens the drawer it falls out. It's the cheapest of the line. We could have bought for half that money something that would last twenty times as long if we bought repossessed

equipment. I don't understand. It is simply a matter of not working with Council and taking the attitude you're not going to tell me I am the Mayor and again we don't have our own fiscal advisor and we're right back to the same old situation. I think it is really shocking. I hope that Council will move to override. I don't expect it but I would hope and urge my Councilmembers.

Mr. Robinson:

Mr. President and members of Council, I'd just like to make reference to the opinion that Mr. Pellegrini sent to us which is attached to the Mayor's letter. My reason for supporting the motion to override is that I don't believe that Section 201 of the Home Rule Charter applies to Council Bill 2940. I don't believe there's anything in the bill which suggests that in any way the committee that the bill recommends or any actions to be taken by this Council in any way would supersede any of the powers that are vested in the Mayor by way of the Charter and in no way would stop the Mayor for being accountable for the operation of the executive branch of government.

So, my reasons for supporting the override are based, in my belief, that Section 201 of the City Charter does not apply to this particular bill.

Michelle Madoff:

Mr. President, if you will indulge me for a moment. I am not feeling too well and I forgot two points that I wanted to mention.

I brought this bill up several times and I attached a print out from a magazine and I just don't recall, I think it's in Arizona, Scottsdale, Arizona, they're already doing this and they've found it is saving hundreds of thousands

of dollars on top of which I don't want to embarrass the department head but one of our department heads, head of one of our major divisions, called me last week and asked whether I could possibly introduce a bill because they had been at an auction and had seen all this marvelous equipment they could use and it was so reasonable they couldn't believe it and in such marvelous shape. And I said, "We found out we cannot go to auction because we have to go in the bid system. We have to put it out for a bid. The lowest bid gets the contract." And what I'm suggesting is that we send our bids out, our requests for proposals or items, to the repossession houses like Allis Chalmers, etc., etc., and we make an effort to let them know what our needs are.

Other cities are already doing it. Why are we always followers and why are we not leaders?

Mr. Woods:

Mr. President, if I may address Michelle. George Jacoby has assured me that he is going to start doing it immediately.

Michelle Madoff:

Then why is the Mayor vetoing it?

Mr. Woods:

Well, he's vetoing the bill but I spoke to George a number of weeks ago and they're already looking into it, they're setting up a mechanism to go into it now. They are going to do it.

Michelle Madoff:

Ben, you gave me your word that you agreed and I trust your word and I was having a Miss Williams who represents Allis Chalmers come to see

you but she has not had the opportunity yet, and I will have other people get in touch with you.

However, when the Mayor gives his word, I find his word is not always a binding situation. I find when Dan Pellegrini's law opinions are not always necessarily -- If Scottsdale can do it, we can do it.

I'm giving the Mayor his own suggestion back. All I'm doing is taking what he said to me and putting it in writing. He said to me, "What we ought to do, Michelle, is set up a body of people who know how to go out and evaluate the equipment and then we could know whether it's qualified, whether it's good to buy. We would be pre-assessing it." I'm only taking what he said and what, and I want to be lady-like, but what that gentleman is doing, and I use the term loosely, is just deliberately saying, "If it comes out of Council -- I rule this City and I'm King Tut, and that's the way it's going to be and nobody is going to tell me how to run this Administration." And we're not saying we want to run it but, darn it, we'd like to work with him and I wish he'd give us an opportunity.

Mr. Woods:

But I can assure you that it's going to start happening through the Supplies Department.

Michelle Madoff:

But that's not really good enough, Ben, because we need a committee to look at this equipment. Do you want the responsibility?

The Chair:

Let's not get into a discussion about the relative merits of buying used

equipment, okay?

Mr. Woods:

As soon as these people get in touch with me, I'll have them meet with George Jacoby and a few of the other people in the Supplies Department and we'll get this thing rolling. But they've already started doing it themselves.

Michelle Madoff:

But, you see, the point I'm making, Mr. Woods, is that you and I and I think every logical, sensible person realizes that with today's economy, with what's happened to the steel industry, there are executive offices and places and we can buy lots of back-hoes and what have you. There's no doubt, even in the Mayor's mind, that we can do that. But he suggested, and I agreed with him, that we ought to have a body of people who are skilled in knowing whether the equipment is good. You and I aren't qualified to judge that. And the thing will rebound and say, "See, you went out and bought something and it didn't last." Of course we could always put it back up for auction and get our money back. But that isn't the point. The point is that we need this body of people even if they're saying they're going to give it to us second hand, we need someone to evaluate.

Mr. Woods:

They have people to evaluate.

Michelle Madoff:

They why don't we set up a commission to do it?

Mr. Woods:

I can't answer that but all I'm saying is --

Michelle Madoff:

You can't answer why the Mayor is ornery and neither can I.

Mr. Woods:

Let me finish. Your suggestion has been well taken and you've been on it for a number of months and I give you credit for it and now they're going to do it.

Michelle Madoff:

I sometimes think if you had an original idea you get a headache.

The Chair:

Question called for on the motion. All in favor, aye to override the veto and nay to sustain the veto.

Michelle Madoff:

How many votes do we need?

The Chair:

You need six votes to override.

Michelle Madoff:

Well, it's going to be tough.

Mr. Given:

I wish Mr. Flaherty was here because there was a time when Ben was making some comments on his remarks that we formed this authority. We went out and floated a bond for \$10 million. We've really upgraded our fleet throughout the City of Pittsburgh, some 1,300 pieces of equipment down there. Our Department of Public Works does the same type of work generally as far as the Department of Water, as far as digging up the streets and sewers, etc.

We don't seem to have that problem down there. We have a budgetary time of the year and I think this has come up previously but in my 28 years of experience, Michelle, I'd have to go against any company that would have the purchasing power to go out and try to purchase second hand equipment because you do not know what you're getting and you can get a pile of junk. When you buy something new, you generally have a warranty on that particular product and as a result you have technicians that can come in and help you out plus we have a considerable investment in our City garage to rebuild any of our equipment and we should not have to go out and buy second hand equipment and start rebuilding it. We should have it new. We keep that force as low as possible and the City of Pittsburgh generally gets rid of its equipment as soon as it becomes cost effective.

So, I vote no to sustain the Mayor's veto.

Michelle Madoff:

For exactly the reasons that Mr. Givens has stated, and that is that we have equipment but we do not have the equipment in the Water Department, that is my department, I've already spoken with Mr. Stonea and even he realizes, as Finance Chairman, that we have some real problems. We're four years behind in water leaks. We just don't have the equipment to do the job and much of the equipment, Mr. Givens, is already in warranty that we can buy. It's just because people went bankrupt. I'm not saying to go out and buy a piece of junk. I'm saying hire people who can tell us what's good and what's bad and who are experienced, not only in outside equipment —

Mr. Givens:

Michelle, for specialized equipment we go out and rent a lot of it.

Michelle Madoff:

Yes, and it's costing us more than fixing a seventeen year old back-hoe. I don't understand what you're saying. I vote to override the Mayor's veto.

Mr. O'Malley:

I vote no for the simple reason that I'd like to give my colleague, Mr. Woods, and Mr. Jacoby the opportunity. I'm going to give them ninety days to implement a procedure for purchasing second hand equipment. Then, at the end of those ninety days, if that procedure is not in place, I'm going to support my colleague because I agree with her.

Mr. Stone:

I'm voting no for this reason. I believe the legal opinion is accurate. On the other hand, however, I would not like it to pass that the suggestion is totally wrong. If we can get the opportunity to buy heavy equipment, we ought to be looking at it. I think the thing that complicates it, however, is the fact that it's not as easy doing it but, nevertheless, I think there's a way we ought to be looking at the good used equipment, no matter what it is, but regretfully, on the committee itself, I think the legal opinion is correct and I vote no.

Mr. Woods:

I'm voting no also for the reason that I believe we have the people who have the knowledge to go out and look at this used equipment and I believe Michelle deserves all the credit because she has been on this thing for some time about doing this. And we're going to do

it.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Robinson

AYES 2 NOES 5

VOTING NO:

Mr. Givens Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Stone (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3132

Report of the Committee on Finance for May 25, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3031

A Resolution entitled, "Resolution providing for the issuance of a warrant to Irene Ray McCoy, parent and natural

Guardian of James Ray, a minor, c/o Donald I. Shrager, Esquire, 822 Frick Building, Pittsburgh, PA 15219, in the amount of \$4,925.00 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 3032

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moore Business Forms, Inc., P.O. Box 7777-W5220, Philadelphia, Pennsylvania 19175, in the amount of \$6,220.48 in payment for City and School District of Pittsburgh Individual Earned Income Tax Return Forms and Instruction Booklet for year 1982 furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

Mr. Robinson:

On Bill 3032, I would just like to reacquaint Council with a continuing concern that I have relative to the utilization of local businesses where appropriate. While I recognize that Moore Business Forms, Incorporated is a very fine and qualified firm in the fine city of Philadelphia, it would seem to me that this is another indicator that much of the business purchasing of this City is done outside the City of Pittsburgh. I believe Mrs. Madoff did some research which indicates that 90 percent of our purchasing occurs outside the City of Pittsburgh.

I would hope that Council, in the future, would lend its support to the notion that where we can purchase locally, that it's in our best interest, as well as the best interest of the business

concern. Thank you.

Also,

Bill No. 3033

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of James L. Smith Insurance Agency, Three Parkway Center, Pittsburgh, PA 15220 in the amount of \$3,000.00 in payment of Self Insurer's Bond for Workmen's Compensation for the period April 26, 1983 to April 26, 1984 and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3133

Report of the Committee on Public Works for May 25, 1983 transmitting one

resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3023

A Resolution entitled, "Resolution providing for a Contract or Contracts for Wall Reconstruction of Windom Street at Lauer Way, including necessary work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3134

Report of the Committee on Planning, Housing and Development for May 25, 1983 transmitting sundry resolutions to

Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2990

A Resolution entitled, "Resolution providing for an agreement or agreements with an entity or entities knowledgeable in community organizational development for administration of a program to provide financial and technical assistance to small community-based organizations."

Which was read.

Also,

Bill No. 2991

A Resolution entitled, "Resolution providing for an agreement or agreements with local development corporations for continuation of neighborhood local development activities."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2995

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Center for Independent Living, located at P.O. Box 11460, Guys Run Road, Pittsburgh, PA, for the study of wheelchair accessibility in the Downtown, Oakland and residential areas, at a cost not to exceed \$40,000.00."

Which was read.

Michelle Madoff:

Mr. President, on Bill 2995, I'm voting for the bill that \$40,000 for the study to see about accessibility for wheelchairs. I believe it's excessive but I think the group doing it is knowledgeable. There are other groups that could have been doing it and we're moving in haste as usual. Council is again the one, you know, we're put on the spot. We're damned if we do and we're damned if we don't. How could Council not vote for people who need wheelchair accessibility. We'd be cruel and heartless and I certainly wouldn't vote against that.

On the other hand, I don't really believe we need to spend \$40,000 to do the job. I put Mr. Lurcott on notice that in the future, I don't want to have these last minute kind of projects. I want to know months and months and months in advance and I want to know who else he's talked to and whether we can start keeping some of our costs down, not only buying second hand but by going out on

contracts.

Mr. Robinson:

Mr. President, I'd just like to comment on 2995. I basically echo Mrs. Madoff's concern. While I can appreciate the necessity for addressing the issue of persons confined wheelchairs and making sure that our City is accessible to them, it would seem to me that we certainly have done a lot of work in this area, that we certainly have efficient information and that there certainly are organizations that have volunteered this kind of information to not only Council but to the Administration and to spend \$40,000 at this point on this study probably would not be the wisest use of that money and I'm going to be unable to support Council Bill 2995.

Mr. O'Malley:

I vote aye on all bills with the exception of Bill 2995. I agree with my colleague, Councilman Robinson. I'd rather see the \$40,000 used to repair or put in new curbs for accessibility for people that are handicapped in wheelchairs instead of spending \$40,000 for the study on it.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff
Mr. Stone

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 5

NOES none

(MR. O'MALLEY AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3029

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Port Authority of Allegheny County for continuation of the Hill District and Oakland Loop Bus."

Which was read.

Mr. Robinson:

I'd just like to comment on Bill 3029. I'd just like to thank all of the people at the Port Authority and within the City of Pittsburgh government and especially my colleagues here on Council for the very fine job they have done in attempting to keep the Oakland Loop Bus operating and I'm sure the people in both the Hill and Oakland appreciate that. This program, as many of you know, has been one of the more successful demonstration programs that came out of the early Model Cities Program and I'd just like to thank everyone for their kind assistance and cooperation in keeping this program operating. Thank you.

Mr. Givens:

I vote no on Bill 3029 and I'd like to clarify my remarks. We're talking about some \$200,000 and this, as indicated, was a Model Cities carry-over. Model Cities in the Hill was to develop the Hill and it was in this disruptive period that the people could get because many of their market places

were being torn up and built and rebuilt again. But it's gone on and on and on and I'd have to say that we're just specializing in one particular area of the City. And I think if we have to do it for one then we should do it for others. I think of the Garfield areas, the Homewood-Brushton areas, the Polish Hill areas, the North Side areas, the upper parts and especially the South Side areas and almost the total West End could use the same type of treatment. And I say if we can do it for one then we should do it for all. And I think we have run out of time with trying to fund some \$200,000 to have this loop service. PAT provides public transportation. This is subsidizing transportation for one small local area of the City of Pittsburgh. And because of that and what's happening in the real world today, I'd like to see that \$200,000 go into jobs and go into food.

So, for that reason, I have to vote no on Bill 3029.

The Chair:

Mr. Givens, you make a good point. I was on the Model Cities Committee at the time when this was first discussed. But the reason they've carried on is not because of the Model Cities, which is no longer in operation, it's because of the area being one of the most impoverished in the City of Pittsburgh. It probably has more senior citizens than any area of the City of Pittsburgh.

Mr. Givens:

I'll take you to many other areas in the City of Pittsburgh and we'll find the same thing.

The Chair:

For that reason and no other reason, there's no tie anymore with

Model Cities, obviously, because it doesn't exist, or the so-call Economic Opportunity Act of the Poverty Program. But this is due to the fact —

Mr. Givens:

Many of these other areas that I mentioned have the same problems.

The Chair:

The area is hard pressed and it's been an on-going program and it would be a shame, I think, to stop it.

Mr. Givens:

The people from Homewood-Brushton, for example, have to come all the way into East Liberty in order to do their major shopping. South Side is the same way.

The Chair:

You make a very good point. I'm not going to argue with that. I'm just saying that there's no reason to stop this program because of the others.

Michelle Madoff:

Mr. President, I think your point is very well taken. The program doesn't exist. You can't isolate these people. They can't get cabs to take them into their communities. People are afraid to go up there. They have the same right of transportation and we have an obligation to people who don't. Today, 60 percent of those youth aren't working. Their families aren't working and how anybody could vote against that is beyond me.

Mr. Givens:

People in other areas of the City of Pittsburgh feel the same way, Michelle.

Michelle Madoff:

I'm not through, Mr. Givens. You're being rude.

I would like to point out that my colleague, Mr. Givens, has voted for his interests where he wanted a community, and we supported him, Arsenal and some of the Bloomfield-Garfield, because we think they were worthy and we voted with him. On the East Liberty projects he voted very vehemently for it and we supported him and I think his voting against people who cannot help themselves is a very sad, sad thing.

Mr. Givens:

I will not sit here, Mr. President, and listen to that personal comment.

The Chair:

Mr. Givens made some good points even though I don't agree with him.

Mr. Robinson:

I'd like to make one additional comment on 3029, if I might. I think Council will remember when this issue came up last year and the year before that, we received signatures on petitions that equal \$5,000 plus. And I think it's been a long time since anyone on this Council can remember any project, any community service that's had that kind of wide community support and I am proud of this Council for supporting this project if for no other reason it certainly has been the people's choice. I think the one thing that sometimes some of us forget is that we're here to represent all the people and sometimes all the people are special people and we always have to make distinctions and we always have to help somebody and someone is always left unhelped. But I think in our attempt to help everybody that we have done the

best we can and here is an example where the people themselves have come to us in large numbers and asked us to please help them. And I think \$200,000 is a small amount to pay to be responsive to our constituents and I would hope as other communities come with that same kind of outpouring, that we'll show the same kind of compassion and good sense to help them. There is enough to go around if we're just compassionate and understand and sensible about it.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. Stone
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. DePasquale
	(Pres't)

AYES 6 NOES 1

(MR. GIVENS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3030

A Resolution entitled, "Resolution amending Resolution No. 589, effective July 2, 1981, as previously amended by Resolution No. 1103, effective November 12, 1981, entitled, 'Authorizing a Cooperation Agreement or Agreements between the City of Pittsburgh and the

Urban Redevelopment Authority of Pittsburgh for the utilization and implementation of the following programs: Neighborhood Commercial Improvement Program (CP-81-12); Urban Redevelopment Authority Planning, Management and Administration of City Projects (CP-81-07); the Urban Redevelopment Authority Property Management Program (UR-81-01); Urban Redevelopment Authority Planning, Management and Administration of City Projects (CP-81-09); and the Hill District Project Area Committee - Consulting Services (ULO), so as to increase the amount allocated for the Hill District Project Area Committee - Consulting Services' from \$100,000 to \$135,000."

Which was read.

Michelle Madoff:

Mr. Robinson, in Bill 3030, this is basically money for restoring, rehabing, bringing back life to the Hill area?

Mr. Robinson:

No, this money specifically is going to be utilized by the Project Area Committee in the Hill to make sure that they have the proper staff and that they have the proper administrative structure to work along with the City of Pittsburgh and the Urban Redevelopment Authority and identifying developers to continue the development in the Hill.

Last year we made a commitment to them of \$100,000 and now the request is being made to add an additional \$35,000 to that. I believe that the Urban Redevelopment Authority will be putting in a significant amount of money so that the program there can continue.

Michelle Madoff:

Could you give me some idea of

what that money will be used for? I really don't understand. You're quite vague. I don't mean to pin you down but I'd like a little more detail.

Mr. Robinson:

Well, very specifically, presently there is a consultant, Mr. Earl Onque, who is a noted architect here in the City who has been preparing some drawings, some actual plans that will be submitted by the Project Area Committee to the Urban Redevelopment Authority. There's a gentleman by the name of Mr. Charles Biggs who is a staff members of the Hill District PAT. Those two individuals plus a secretary work for the Hill District PAT organization and they have a contractual relationship, PAT does, between itself and the Urban Redevelopment Authority and this money would be utilized to continue those three employees.

Michelle Madoff:

Okay, so these are salaries we're talking about?

Mr. Robinson:

Yes.

Michelle Madoff:

That is not the money we're really going to need to get the drug addicts out of the corners and open up the shop and that's what I was trying -- It seemed like such a small amount of money that it didn't make any sense. That's why I wanted some clarification from you. Thank you.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I have a letter that arrived at my home, I'm a member of the Pittsburgh Clean City Committee. I was originally on their board to promulgate legislation and I dropped off that because I didn't think it was fair to be writing bills and voting for them.

But I got this letter and I presume the other members of Council who ran for office got the same letter.

"Dear Ms. Madoff,

Now that the '83 Primary has come to a close, the Pittsburgh Clean City Committee, Inc. requests your assistance in its overall clean city effort.

You can help by removing any signs or posters that may have been placed on poles or other public places to promote your candidacy.

I would also recommend that in future campaigns you consider using lawn

signs to get your message to the people.

If you have any questions or if I can be of any assistance, please don't hesitate to contact me at 642-2770.

Thank you for helping us make Pittsburgh a Cleaner City.

Sincerely,

MARIBETH SALLEY
Executive Director, P.C.C.C., Inc.

MBS/ps"

I am going to ask Mr. Perry to propose a bill, and I don't know the legalities and if you'd send it to the Law Department for me, that anybody running for office would post a \$100 or \$200 bond, \$100 I think would be fair, for perhaps refuse people or our Public Works people or whoever are out and could take down signs. For example, I had very few out but there was one sign on Greenleaf up on somebody's garage, I noticed he took it down. But there's no way I could physically get up and I did not ask the person to put it there, I appreciate it, but I would like to see my signs down and I would be willing to pay \$100 or \$200 as a candidate up front before I run to make sure that signs would be removed. I see signs half ripped, pieces of wood up and it really makes the City very unsightly. I really think that we can't pass legislation saying keep the City clean and then be irresponsible.

The Chair:

If you charge per sign you'll bust Mr. Givens out.

Michelle Madoff:

That's one of the thoughts I had in mind. Not really. That was a joke, Mr.

Givens.

I have one other item. I did not see this article in the Post Gazette, Wednesday, May 25. It says:

"Cable Consultant Urged Pittsburgh's Cable Advisory Board looking into Warner Cable's proposed rate increase declined last night to recommend that City Council approve or disapprove the hikes. It said it had too little information and urged Council to hire an independent financial consultant to analyze Warner's books before making a decision. Council has scheduled a public hearing June 9 at 10:30 a.m."

That is what I've been asking this Council to do.

Mr. Woods:

I didn't see that article either.

Michelle Madoff:

I know. I didn't think you had. A five to four vote and I hope next term we'll have a five-four vote reversed.

Mr. Givens moved to excuse Mr. Flaherty and Mrs. Masloff for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the minutes of Monday, May 16, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, June 6, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

I wonder if I could call upon Lynn R. Williams, International Secretary of the United Steel Workers of America, and George Becker, Administrative

Assistant, please come up here.

I just stopped at the bank and took my measly \$300 and some dollars out of Mellon Bank. I am about to sell my house. I will ask the people not to get their mortgage with Mellon and I want to be very clear as to why I am doing this, so there's no misunderstanding. My reason for introducing this legislation today is I have spoken with U.S. Steel attorney's and others who advised that Mellon Bank was notified two days in advanced that "The Operating Business Account" in Mellon Bank contained funds that were going to be used for payroll. We're talking about \$250,000 due some 250 employees in salaries. We're not talking about a significant amount of dollars to Mellon Bank and this money was for work already performed.

These people are hurting. It's immoral. What Mellon did, I believe was a cavalier, unconscionable act and is now using the Bankruptcy court as their scapegoat. The City of Pittsburgh has approximately \$30 million plus in Mellon Bank spread across the board in various City funds such as, Mr. Stone, I think you might substantiate this; in General, Bond, Police and Fire Pensions and Sinking, etc. funds.

This resolution would direct the City of Pittsburgh's Treasurer Department to pull these funds upon maturity and I say upon maturity not today so that we hurt the taxpayers; and in accordance with all depository resolutions so that the City would not act irresponsibly as I believe Mellon Bank

has and the City would not lose the principal and interest.

As the time accounts come due it is feasible to transfer — we've checked with our fiscal people here, within the next 30, 60, 90 days these funds could be transferred to other banks with which the City has already done business and the resolution reads:

Michelle Madoff presents

Bill No. 3178 BE IT RESOLVED that the City of Pittsburgh show its support for the United Steel Workers of America in their boycott of Mellon Bank by transferring, as soon as possible, City held funds in Mellon Bank to banks more responsive to the needs of working people.

BE IT FURTHER RESOLVED that such funds stay transferred until Mellon Bank unfreezes the funds of USW Mesta employees which cover wage and insurance premiums and pension checks for health insurance retirees.

Michelle Madoff moved to adopt the Resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Williams:

Mr. President, Councilwoman Madoff, Members of Council, we in the United Steel Workers of America very much appreciate this resolution expressing the views of the Pittsburgh City Council. The action taken by our union last week concerning the withdrawal of accounts from Mellon Bank was not undertaken lightly.

It was undertaken only after sincere and serious efforts have been

made to get Mellon Bank to alter a policy that our union deeply believes is unfair and harmful to a group of workers who in supporting themselves and their families over many years also have made a contribution to this community.

American working people throughout this great country have made such contributions to their communities and neighborhoods over the years and the decades. It is time we strongly believe that the banking community recognize this fact and recognize the needs of the people. Our campaign is simply to make Mellon aware of its responsibilities in this regard. To make the bank live up to its current advertisements that now ring hollow, declaring Mellon believed in us.

Again, City Council's assistance here is appreciated. Thank you all very, very much.

Michelle Madoff:

May I just add something? There's a lot more that is going to be coming out. I've been talking to many of the attorneys at U.S. Steel and one of the things that I believe is so unconscionable is that when Mesta went into Chapter 11 and Mellon called them into sit down and talk about business, and I don't want to get into who was right and whether Mesta ran their business correctly or not, that's not the issue today. While the negotiations were going on, when discussions were going on, without the knowledge, without Mesta's knowledge, Mellon was out freezing the accounts all over the country and has in its account many millions of dollars which they are drawing interest. Am I correct in that statement, Sir? I am correct in that? Thank you.

Mr. Flaherty:

I would just care to add a few

words in regard to the resolution and, of course, I support the resolution but my feelings are somewhat ambiguous in regard to it because I think there is a certain amount of sentiment with the public in that whenever we do have an issue such as the one that is facing us concerning unemployed workers or such as the issue of approximately a half a year ago as far as mortgage disclosures, I think there is sentiment out there that politicians often times jump on the issue and exploit it. I unfortunately have to agree with that sentiment to a certain degree. But I would just want to say that I'm of a very strong conviction that if a politician should be criticized in regard to this matter, it should be the President of this Country because I feel very strongly that when we are talking about trying to have impact on some of the most powerful lending institutions in this nation that it is certainly beyond the reach of this City Council or this City. I think it's about time that the public really start to put their focus where it is needed and that is on the White House. I believe that for too long the President has been too callous. He has no empathy. I don't believe he has any sympathy for the brutal frustrations that are crushing families daily in this country and it's about time that the government start to provide some relief and start to work with the lending institutions and with the labor institutions of this country, with management and start to bring about some substantial relief. Then we would not be in the position to offer, what I feel for the most part, are cosmetic sentiments.

The Chair:

You make some good points but I did want to congratulate Council upon their action today because it takes a lot of guts to do the very thing that Mr. Flaherty was saying. You're going to be

condemned if you do, you're going to be condemned if you don't. So, I mean, Mesta Machine isn't so innocent in this whole matter themselves but employees, for that matter, who waited I don't know how many years before they finally became unionized. But unless Mellon Bank puts things in order and unfreezes those funds, I don't think we have any alternative but to do what we did.

In that respect, as Chairman of the Board of Alcosan, I attended the monthly meeting this Wednesday to ask the Board members to do the very same thing the City is contemplating or Council contemplated here with the exception that due to our indenture that we cannot take any funds out of there, whether they're Mellon's or whatever other bank. However, we do have \$3 million that Mellon has on deposit from the pension fund and that money we can withdraw and I am going to ask for a motion from the Board members of Alcosan this coming Wednesday to do that very thing. Hopefully, in the meantime, Mellon may unfreeze those funds for the pension and the wages and the health benefits and whatever so we don't have to take that action and, hopefully, the City doesn't have to take that action. But, as it looks now, I don't think they're going to and I think that a little pressure has to be used and that we use it here in the City and what pressure and what pressure we have at Alcosan.

Michelle Madoff:

Mr. President, I would like to address my colleague, Mr. Flaherty. I thank you for your support on the bill, we haven't really voted yet, but I presume everybody is in favor of it. I would hope. There may be some other statements. But I would like to talk about politicians jumping on issues. All of us, whether we're politicians, elected officials, or people out in the public, are

only knowledgeable of what we're exposed to.

Let me tell you how I came to this knowledge of U.S. Steel's problem with Mesta. My administrative assistant is Carmen Gunther. Her husband is administrative assistant to Lloyd McBride. It is only natural that I would learn about it. It is not that because I'm on Council and I'm hopping on a political issue. I have very strong feelings that when Mellon is using the bankruptcy court and has taken the money out, knowing full well two days in advance that those were salary monies and now is throwing up their hands and saying, "But what can we do about it? We didn't know. It was only a general account. We didn't know it was a payroll account.", when indeed they did know, it just happens that that was an issue that came to me in the same way that Mr. O'Malley introduced a bill on a woman's issue, because some people that he worked with came to him and didn't come to me as a woman on this Council, or to Sophie. I don't think it matters who does it as long as we support each other because no bill passes this Council, no bill, whether it's a Madoff bill or a Flaherty bill or an O'Malley bill or a Stone bill, without five votes.

May we call for the vote on this bill.

The Chair:

We already called for it.

Michelle Madoff:

I didn't hear them call on the vote.

The Chair:

It was unanimous. There were no nays.

Michelle Madoff:

Then we're all for it I presume? Okay.

Mr. Flaherty:

Mr. President, I would care to reply in a very concise manner. I am not critical of your introducing the bill, Michelle. I think, though, because of the lack of federal direction in this Country, often times, we, on the City level, or sometimes even on the state level, because our sentiments are so strong in doing something, I think often times the public sees that our actions can just be symbolic and that we are really not in the position to remedy real relief or a change.

What I am saying, though, is if we have direction in Washington, if we had an interest and an attitude exhibited by the President of this Country to start to look into the issue of banks investing in foreign economies, for example like Brazil which is the largest debtor in the world and which I understand Mellon Bank substantially has given loans to enterprises in Brazil. I think we need a stronger direction and certainly more progressivism from the White House. If we had that, then I don't think we would be in the position today of perhaps certain people, certain segments of our constituency calling us hypocrites and bafoons and politicians jumping on an issue.

Michelle Madoff:

Mr. President, your action with Alcosan is very admirable and I think that with what you can do and what this City can do under Mr. Stone's leadership as Finance Chairman to take some monies out of Mellon Bank, and I urge everybody out in the public to put yourself in the position of those people

who worked and that you didn't get paid and I urge you to take your money out of Mellon Bank as well and then Mellon Bank will know that we don't have to wait for Mr. Reagan.

The Chair:

Well, as we were saying, certainly we hope that Mellon Bank unfreezes those funds. Yet, at the same time, I think we're being a bit unfair to Mellon. There are two other banks involved and their name wasn't mentioned, I think Union National and Pittsburgh National. So, we have to put the blame — They're on a much smaller scale than Mellon.

Michelle Madoff:

But you understand what I'm saying, Mr. DePasquale. If Alcosan takes out some millions and the City takes out \$30 million and people as individuals who work for U.S. Steel and supporters and other unions take their money out and the people in the street who care take their money out, Mellon is going to get the message. And maybe they're going to change their "public be damned" attitude.

The Chair:

Maybe they'll cancel the loan I have down there.

Michelle Madoff:

I don't think they'll cancel your loan.

The Chair:

Are there any other resolutions?

Mr. Flaherty:

As I'm sure we are all aware, Council is going to be holding probably

the most important hearing of the year on Thursday. That is the public hearing for the proposed rate increases for Warner Cable. This is certainly an issue that Council will be acting on that will have more impact, more direct impact, on a more personal and more individual level than any other issue that I can recall Council ever acting on outside of a proposed tax increase. I think that it would be very important and very informative to the public, especially to those that do watch Council and those that do foot the bill for the cable company that this hearing be broadcast on Thursday.

I move that we do have a cablecast of the public hearing on Thursday primarily to give those individuals that perhaps would be impacted or will be impacted if there is a rate hike the opportunity to know all the intricacies behind this proposed rate hike and also give them the opportunity to more effectively state their views to this Council prior to us acting on the proposed rate hike.

Mr. Robinson seconded the motion.

The Chair:

If I may, I think it's so apropos due to the fact that Warner Cable is the company that's coming in asking for the increase and certainly that should be televised. It's so important.

Mr. O'Malley:

I'd just like to say that I agree with my colleague that since we awarded Warner Cable the franchise one of the big points in their favor of receiving that franchise was the Cube system. As you know, the Cube system is a two way system where the people could interact and vote on matters of importance to all of them. Not knowing my colleague,

Councilman Flaherty, was going to bring up the same issue, I asked Brother Emenecker if he could be up here this afternoon. Would you come up, Brother Richard?

Not only would I like to have the hearing televised, but I'd also like to know, Brother Richard, if it would be possible to have this on the Cube system so that the viewers who watch the entire public hearing and at the conclusion of it would have the opportunity to vote on whether they're in favor of the rate increase or whether they're not in favor of it. The reason I say this is that Cube has advertised all over the country that this is a great innovative communication system that they've incorporated in the Pittsburgh franchise. I'd like to see this communication work on something on something as important as this where the people can actually see and hear and give us their opinion on whether Warner is entitled to a rate increase. Would that be possible?

The Chair:

Brother Emenecker, before you answer that question, I want to caution Council. We're not going to have a debate on the relative merits of an increase or no increase at this time. We're going to vote strictly on the matter of whether it should be televised or not. The question you asked is quite in order but I don't want to get out of hand when we start to get into a discussion about whether there should be an increase or not.

Mr. O'Malley:

First of all, I'm not having a debate on the merits of the increase.

The Chair:

I understand that. I just said I'm

cautioning Council so that we don't get into that.

Mr. O'Malley:

You might agree with me but you're not hearing what I'm saying.

The Chair:

I agree with you 100 percent.

Mr. O'Malley:

What I'm saying is that I'd like to know if the Cube system —

The Chair:

You're asking if the public could engage in the voting.

Brother Emenecker:

First of all, as far as whether we can televise it or not, yes, we can televise it at 10:30 until however long it takes on Thursday. I have no difficulty with that.

As far as utilizing Cube to get responses from the public, there is no provision in the franchise proposal from Warner indicating that Warner would have the government channel interacted with their Cube system. It's not a provision of the agreement. My position has been that I do not ask them to do anything more than they are required to do by the proposal.

Mr. O'Malley:

What I'm saying is, I did a show on Warner Cable down at the studio and it was on Cube and people had the opportunity to vote. It was on self-service gas stations. I wonder if it would be possible for you to ask Warner if they would volunteer the use of the Cube for

this very important hearing. Would it be possible for you to have that communication and get back to us by Wednesday?

Brother Emenecker:

I would caution Council in that regard that if you do that, you, first of all, are setting a precedent. Secondly, it takes on a little bit of a different tone if you were to do it as an individual Councilmember on one of Warner's channels as opposed to this City being involved in using Cube on the government channel.

I have no difficulty with Warner setting up the program that they're in charge of and handling the issue that way. But I think the matter should be thoroughly thought about by Council before you start to use Cube knowing that there are 70,000 subscribers of which about 60,000, almost 60,000 I believe, are Cube subscribers. Maybe not quite that much but at least 50,000 are Cube subscribers.

Mr. O'Malley:

That makes it more important. If we're talking about 60,000 households in the City of Pittsburgh, obviously you're talking well over 150,000 people.

Brother Emenecker:

But that's at 10:30 in the morning

Mr. O'Malley:

And it would be replayed again at 4:30 in the afternoon.

Brother Emenecker:

But the polling would have to be a live poll.

Mr. O'Malley:

Would you check to see if it would be possible and get back to me with the answer on that, please? Ask Warner if it's possible and if they would be willing to do it. They can either say yes, it's possible or they're say no, it's not possible.

The Chair:

Give us an answer by Wednesday, Brother Emenecker. Okay?

Brother Emenecker:

Okay, but I still am not clear as to how that would be worked out where you have a public hearing which we would cover gavel to gavel and then who is in charge of developing the questions, taking the responses, and how is that all communicated back.

Mr. O'Malley:

Well, I think that's what I asked you. I'd like to have that worked out between now and Wednesday. First of all, we have to find out if it's possible and if it's possible, then we'd have to work out the intricacies of it.

The Chair:

Thank you, Brother Emenecker.

Mr. Robinson:

I just wanted to inform the President and members of Council that due a conflict in my schedule, I'll be unable to participate in the hearing on Thursday. But I also want to inform you that as a member of the Resolutions Committee of the Pennsylvania League of Cities, I will be in Harrisburg attending the annual conference. One of the resolutions before the League this

year will be whether or not local units of government should retain control over cable operations. As Council may be aware, there is a bill in the United States Senate to strip local units of government of their control over cable operations. The National League of Cities and the Pennsylvania League of Cities have opposing resolutions and positions on this matter. I also will be attending a workshop that deals with the issue of cable communications at the local level. Hopefully, those people who are so inclined to believe that local units of government should retain control over local cable operations will transmit that information to our Mayor who is the President of the Pennsylvania League of Cities, to Mr. Whitmer who is a member of his staff and who will probably be this city's voting delegate in the business session, and to myself as a member of the Resolutions Committee. The meeting will occur, the Resolutions Committee, at 1:00 on Thursday afternoon. Hopefully, the information that I gain in Harrisburg will be useful to other members of this Council when it comes time for us to make a final decision relative to the rate request issue.

Michelle Madoff:

Mr. President, I'm a little confused. Are we or are we not going to be taping Thursday. What did Brother Richard say?

Mrs. Masloff:

Yes.

Michelle Madoff:

Okay, then we are going to do it. May I just make a note, just check, is there going to be a display ad prior to Thursday, paid for, so that people will know they can come and testify if they

have a complaint, not an ad that is in the legal notices that you have to read with a magnifying glass and a pair of glasses?

The Chair:

I think the Press is going to pick it up.

Michelle Madoff:

Usually they cover it after the fact. I did see something with a phone number saying you can call in. But will there be a display ad? The reason I'm asking, the reason I'm very concerned about this, I want to tell you what happened. I was the only person — maybe there was another — Brother Richard, was there anybody here the day of the hearing held by the Cable Advisory Committee other than myself testifying? Any other member of Council? Mr. Robinson and Mr. Givens. I think there were three of us.

Brother Richard:

You're speaking of the three year review?

Michelle Madoff:

Yes.

Brother Richard:

Yourself, Councilwoman Masloff, Councilman Givens and Councilman Robinson were there.

Michelle Madoff:

Okay. The reason I'm asking is that there were a lot of people here that I bumped to at the elevator and people that I knew and I said, "Oh, you're here because you called me with complaints." and they said, "No, no. We're here to testify on behalf of Warner." I said, "I'm

a little surprised. How come you're here." and they said, "They asked us to come.". Well, I would like to officially ask the public to come and be here if they're unhappy and the only way they're going to know about that hearing is if we do a display ad.

So, if you want to vote on the first one, I'd like to make a second motion that we have a display add notifying the public there is a hearing.

Mr. Flaherty:

I would like to keep them separate.

Michelle Madoff:

I said that. You do the first resolution and I'll do the second resolution.

Brother Richard:

If I could add this concerning your question about an add, we have been running on a government channel and announcement that the public hearing is Thursday and if you wish to speak, call Mike Perry.

Also, there was an article, if you will, in yesterday's newspaper indicating that if you wish to speak, call Mike Perry.

Michelle Madoff:

Mike, how many people do you have from the general public?

Mr. Perry:

Six.

Michelle Madoff:

How many people do you have

from the other side? Approximately, ballpark.

Mr. Perry:

I would say approximately three.

Michelle Madoff:

So, it's a six and three. Okay.

My concern is that this is going to be very innocuous because people are not going to know how significant and how important it is. Brother Richard and I have had some meaningful discussions on the fact and something he's about to do which I am very pleased with, they're getting new equipment because people that do not watch Council at 10:00 in the morning or at Mondays at 2:00 in the afternoon are not home at 5:30 in the evening. They're obviously in transit from their jobs. And he's changing that time to, I believe, 7:00 in the evening, once you get the new equipment.

Brother Richard:

Right. That will be later in the summer.

Michelle Madoff:

Fine. But at least we're moving in the right direction.

Now, the thing I'm concerned about, as things stand right now, I tell you that my phone is still coming off the hook with people complaining about Warner. I have now talked to a woman at Warner who said —

The Chair:

Please, Michelle.

Michelle Madoff:

I want people to know about coming to the hearing.

The Chair:

You're getting off the vote on whether we're going to have the hearing or not. Please.

Michelle Madoff:

Alright. Wait. We've done that. We've already voted on that.

The Chair:

We can do all that Wednesday.

Michelle Madoff:

I want a display ad. Do you want to vote on this first?

The Chair:

We have to vote first on whether we're going to have the hearing.

Michelle Madoff:

Fine. Then I'll talk about the display ad.

The Chair:

Roll call vote in regards to the hearing being televised.

Mr Robinson:

I'm voting aye because I believe all of our public hearings should be televised.

Mr. Woods:

I'm voting no because I don't believe our public hearings or our

Council sessions should be televised. I vote consistently.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES 1

(MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

Okay, with a majority vote, the hearing will be televised.

Now your motion, Michelle.

Michelle Madoff:

My resolution is that we have a display ad notifying people in essence what the hearing is going to be about and that indeed will be televised for those who cannot make it and that ad runs immediately. A sizeable display ad.

Mr. Robinson seconded the motion.

Mr. Woods:

Question. What do you mean? A display ad on what?

Michelle Madoff:

I want an ad 4 x 6.

Mr. Perry:

I put in a 2 x 3 ad.

Michelle Madoff:

4 x 6. Just on the Warner Cable hearing. 5 x 6. 6 x 7. I don't care. I want something two column, a meaningful size ad so people will see it.

The Chair:

Roll call vote.

Mr. O'Malley:

I'm going to vote aye but I think it's going to be a waste of time. I'm sure the gentlemen that are covering for the Press and Post Gazette will have an adequate article in there.

Michelle Madoff:

This will pay their salaries.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. O'Malley

Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 8

NOES 1

(MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

I would like to share some information with Council on Warner on the same subject. I was called by, I presume a power, I don't know whether an executive, I think they are employed by Warner and I'm not going to give the name, asking me if I would be willing to come down and sit down with their accountants and go over their fiscal problems. I said, "No, I would not." I think the time to do that would be Thursday. I don't know if my other colleagues were also called. Was I the only one called?

Mr. Robinson:

I was called.

Mr. O'Malley:

I was called.

The Chair:

There's no harm in going down there if you want to.

Michelle Madoff:

No, but I just want to share that I have very strong feelings and I just wanted to let people know.

The Chair:

Thank you.

Mr. Flaherty presented

No. 3135 Resolution providing for the issuance of a warrant in favor of B. Dalfol & Son, Inc. in the amount of \$34,649.00 for extra work in connection with renovation of the Front Steps & Loggia at the City-County Building, chargeable to and payable from LB 82-07 (4-25-15-2015-82) Renovations of Front Steps & Loggia, Department of Lands and Buildings. Prior approval by Council Bill No. 2742, dated March 30, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 3136 Resolution for an Architectural/Engineering Agreement/s in connection with the renovation and/or installation of a new heating system at the 29th Street Garage at a cost not to exceed \$8,000.00, chargeable to and payable as follows: LB 81-12 (4-25-15-0005-81) \$4,563.50 and LB 83-17 (4-25-15-0005-83) Engineering Service \$3,436.50, Department of Lands and Buildings.

Also,

No. 3137 Resolution providing for an Agreement/s with Liff, Chetlin and Associates, Architects, in connection with the design and installation of art work at No. 42 Fire Station, Chestnut Street at a cost not to exceed \$7,000.00 chargeable to and payable from LB 80-01 (4-25-01-1945-80) New No. 42 Engine (East North Side) Department of Lands and Buildings.

Also,

No. 3138 Resolution providing for an Agreement/s for professional services in connection with elevator maintenance at various City facilities at a cost not to exceed \$2,500.00 chargeable to and payable from LB 83-17 (4-25-15-0005-83) Engineering Services, Department of Lands and Buildings.

Also,

No. 3139 Resolution repealing Resolution No. 663, approved July 1, 1982, effective July 9, 1982, entitled, "Authorizing the Mayor and the Director of Lands and Buildings ... to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties ..." in the 21st and the 26th Wards of the City of Pittsburgh to Pennsylvania Department of Transportation.

Also,

No. 3140 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting permission to be reimbursed for expenses incurred in connection with attending a two-day seminar on Energy Economic and Alternative Financing, May 24-25, 1983, at the Holiday Inn, Monroeville, PA. Total cost for this seminar was \$30.00, payable from C.A. No. 1361, Misc. Services, Department of Lands and Buildings.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3141 Resolution providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the In-Depth Inspection of the Second Avenue Bridge over Nine Mile Run; and providing for the payment of

the cost thereof. Funds are available in Code Account PW 83-07, 4-01-05-0001-83, In-Depth Inspection by Contract. Cost not to exceed \$21,600.00.

Also,

No. 3142 Resolution providing for a Contract or Contracts for the purchase of Two (2) Sluice Gates and One (1) Structural Sluice Gate Support (Rodney Hunt Gates or equal) to be utilized for Flood Control on the City's Main Sewer Line; and providing for the payment of the cost thereof. Funds are available in Code Account PW 83-24, 4-01-35-0001-83, Capital Construction Division. Cost not to exceed \$11,000.00.

Also,

No. 3143 Resolution providing for a Contract or Contracts for Concrete Step Construction and Site Improvements on Louisa Street from Coltart Street to McKee Street, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof. Funds are available in Code Account PW 83-33, 4-01-30-0955-83, Louisa Street Step Construction and Site Improvements. Cost not to exceed \$60,000.00.

Also,

No. 3144 Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating new line items and adjusting the Summary Totals.

Also,

No. 3145 Resolution accepting

the dedication of property, Presbyterian University Hospital on Darraugh Street and Terrace Street in the 4th Ward, City of Pittsburgh.

Also,

No. 3146 Resolution vacating Robin Way from Orchard Place to Cedarhurst Street in the 30th Ward of the City of Pittsburgh.

Also,

No. 3147 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval to make payment to Allied Surveyor Supplies Manufacturing Company for the Emergency Purchase of Flanged Base Monuments (Modified) and 2" Dome Tops to be used for Survey Monuments and Bench Marks, at a cost not to exceed \$3,100.00, payable from C.A. No. PW 83-18, Misc. Repairs to Streets and Structures.

Also,

No. 3148 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Richardson Associates for Professional Engineering Services in connection with the Route 51 Rockslide, at a cost not to exceed \$4,950.00, payable from C.A. PW 83-26, Geotechnical Engineering Contracts.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3149 An Ordinance amending the Pittsburgh Code, Title One - Administrative, Article V, Legislative, Chapter 151, Council, Section 151.01(a) Regular and Special Meetings by changing the day of the regular meetings

of Council from Monday to be held on (Tuesday), effective September 6, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 3150 Resolution providing for a contract or contracts for the Installation of Large Water Meters, at a cost not to exceed \$100,000.00, chargeable to and payable from 1983 Capital Budget Account No. WD-83-19, (4-05-25-0005-83), Department of Water.

Also,

No. 3151 Resolution providing for a contract or contracts for water line work reconstruction of the Stadium Street Wall, at a cost not to exceed \$60,000.00, chargeable to and payable from CDGF (4-05-15-0002-79-28-79-05), Department of Water.

Which were read and referred to the Committee on Water.

Also,

No. 3152 Resolution authorizing and directing the Director of the Department of Lands and Buildings to install thermostats in the Office of the City Council and City Clerk.

Which was read and referred to the Committee on Lands and Buildings.

Mrs. Masloff presented

No. 3153 Resolution authorizing the issuance of a warrant in favor of Stroudsburg Electric Supply, Inc. in the amount of \$6,656.61 in payment for electrical equipment at the Pittsburgh Aqua Zoo in connection with the Coral Reef Exhibit, chargeable to and payable from Pittsburgh Zoo Membership Trust

Fund, in the Department of Parks and Recreation. Prior approval by Council Bill No. 2396, dated February 2, 1983.

Also,

No. 3154 Resolution authorizing the issuance of a warrant in favor of J.A. Nearing Co., Inc. in the amount of \$6,014.00 in payment for a greenhouse at the Pittsburgh Aqua Zoo in connection with the Coral Reef Exhibit, chargeable to and payable from the Pittsburgh Zoo Membership Trust Fund, in the Department of Parks and Recreation. Prior approval by Council Bill No. 2396, 2/2/83.

Also,

No. 3155 Resolution authorizing the issuance of a warrant in favor of Kenneth C. Fletcher D.V.M. in the amount of \$700.00 in payment for surgical sexing of birds for the Aviary, furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3156 Resolution filing an application by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs for a grant in connection with the Planting and Landscaping Development Project authorized under the Federal Jobs Bill.

Also,

No. 3157 Resolution providing for an agreement or agreements with the Western Pennsylvania Conservancy for Planting and Landscaping Development in conjunction with the Planting and Landscaping Development Project. All

costs are payable out of the Planting and Landscaping Development Project Trust Fund, not to exceed \$100,000.00.

Also,

No. 3158 Resolution providing for a license Agreement with Duquesne Light Co. to install, use, operate, maintain, repair, renew and finally remove poles, cross arms, guys, appurtenances in connection with the electrical service for Friendship Park.

Also,

No. 3159 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting interim approval for work in connection with asphalt paving and landscaping at Ormsby Park, at a cost not to exceed \$5,318.00, payable from Ormsby Pool Trust Fund.

Also,

No. 3160 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Kathy Robbibo and Randolph Goodlett to drive in their personal car to Washington, D.C. on June 3, 1983, for their flight on June 4, 1983 from Andrews Air Force Base to Mayaguana. Cost not to exceed \$200.00, payable from C.A. 1852, Misc. Services. Prior approval granted.

Also,

No. 3161 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Randolph Goodlett to travel to Mayaguana to collect items for the Coral Reef Exhibit from June 10-18, 1983, at a cost not to exceed \$556.00, payable from C.A. No. 1852, Misc. Services. Prior approval granted.

Also,

No. 3162 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Kenneth E. Lindsey to attend the 1983 State Special Olympic Games at Kutztown State College, PA on June 16-19, 1983, at no cost to the City.

Also,

No. 3163 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Daniel Dziubek, Wilford Parker and Lydia Konecky to attend the planning an implementation of the Outdoor Challenge Pittsburgh Adventure Program on June 16, 1983, and from June 27 to July 1, 1983, at Otter Creek Wilderness, WV and on June 21, 1983, at Mt. Pleasant, PA and on July 6 and from July 13-15, 1983 at Bear Run Nature Reserve, Fayette County, PA, at a cost not to exceed \$350.00, payable from Special Parks Program Trust Fund, SPPTF, Dept. of Parks and Recreation. Use of City Vehicle PR-302 also requested.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3164 Communication from Charles Lewis, Chief, Department of Fire, requesting authorization for John Harpur and Joseph Somma to attend the 68th Annual BOCA Code Development and Educational Conference in Lexington, Kentucky on June 26-July 1, 1983, at a cost not to exceed \$1,800.00, payable from C.A. 1463, Misc. Services and Repairs, Department of Fire.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3165 Resolution providing for the filing of a CD statement by City of Pittsburgh with HUD for a grant in connection with the 1983 CDBG Emergency Jobs Bill Program; approving the 1983 CDBG Emergency Jobs Bill Program providing for required assurances; for execution of payment vouchers on Letter of Credit and certification of authorized signatures; creating a special trust fund; deposit of funds in bank account and providing for payment of expenses within categories, total amount \$7.1 million.

Also,

No. 3166 Resolution providing for the filing of a CD statement by City of Pittsburgh with HUD for a grant in connection with the 1983 CDBG Emergency Jobs Bill Program; approving the 1983 CDBG Emergency Jobs Bill Program providing for required assurances; for execution of payment vouchers on Letter of Credit and certification of authorized signatures; creating a special trust fund; deposit of funds in bank account and authorizing an appropriate distribution of funds to minority controlled financial institutions.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, if I might, with one indulgence. I think it would be appropriate if we try to set a hearing in a timely fashion on these two bills in order that we might give ourselves enough lee-time to submit an application by July 1, which is the deadline.

If the Chair would take the prerogative of moving in that direction prior to Council officially considering the bill on Wednesday, I think it would be helpful to all concerned.

The Chair:

Thank you.

Also,

No. 3167 Resolution authorizing an agreement between the Urban Redevelopment Authority of Pittsburgh and Women's Space East, Incorporated to purchase property located at 2001 Fifth Avenue, Pittsburgh, PA 15219, at a cost not to exceed \$50,000.00 from Unspecified Local Options/CD Funds.

Also,

No. 3168 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of the residential structure at 215 Tennyson Avenue (Block and Lot 27-L-51) in the Schenley Farms Historic District in the 4th Ward.

Also,

No. 3169 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of the residential structure at 1431 Page Street (Block and Lot 7-B-127) in the Manchester Historic District in the 21st Ward.

Also,

No. 3170 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of the residential structures, at 416 N. Taylor Avenue (Block and Lot 23-K-68) and 1238 Monterey Street (Block and Lot 23-J-257) in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3171 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of a number of residential buildings in the Manchester Historic District in the 21st Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Stone moved to suspend Rule 8 for all Committees providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Stone presented

Bill No. 3172

Report of the Committee on Finance for June 1, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative

recommendation,

Bill No. 3069

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Plant Service Company, 6th & Bingham Streets, Pittsburgh, PA 15203, in the amount of \$518.35 in payment for Repair of a Drill furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3082

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Dennis Lattner and Suzanne Marie Lattner in the amount of \$122.70 in payment for 1982 rental of Spring Street Tot Lot, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3083

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Duquesne Light Company in the amount of \$548.50 in payment for locks for Parks Department enclosures furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3084

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of William Geiselhart Landscape Service in the amount of \$1,890.00 in payment for trees planted at Point State Park furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3092

A Resolution entitled, "Resolution providing for the issuance of a warrant to James C. Eastley and James C. Eastley, Inc., a Corporation, in the amount of \$45,000.00 in full settlement of claims for property damage resulting from water main breaks, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3093

A Resolution entitled, "Resolution providing for the issuance of a warrant to the Duquesne Light Company, c/o George John Steffish, III, Esquire, 710 Chatham Center Office Building, Pittsburgh, PA 15219, in the amount of \$1,800.00 in full settlement of a cross-claim of a lawsuit wherein the Duquesne Light Company claimed damages to its motor vehicle, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3094

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Ruth Law for stenographic reporting services in connection with public hearing(s) and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3095

A Resolution entitled, "Resolution amending Resolution No. 33, approved January 31, 1983, entitled, 'Providing for an Agreement or Agreements with Psychological Service of Pittsburgh for professional services in connection with the research, preparation, evaluation, administration, and validation of Civil Service entrance and promotional examinations; and providing for the payment of the cost thereof,' by increasing the cost from \$12,000.00 to \$24,000.00."

Which was read.

Mr. Givens:

On Bill 3095, I vote no on that and for obvious reasons I want my remarks to be brought forward from Wednesday's session. With the 80 percent failure rate on people taking psychological testing in the City of Pittsburgh, there's something wrong.

MR. GIVENS' REMARKS ON BILL NO. 3095 FROM THE MEETING OF WEDNESDAY, JUNE 1, 1983.

Mr. Givens:

I would like to have my vote recorded as being no on this particular thing. My reasons for being opposed is how the system is set-up. If one were to go and take this particular test and fail it, it is incumbent upon that individual then to go out and get medical assistance and help from another psychologist and

doctors and bring that evidence back in to this psychologist; then, if that is not agreed upon, they go out and they see a third consultant--all at the expense of the individual that is trying to acquire a job in the City of Pittsburgh. There is no way in this world that I can vote for any agency where our police and firemen go down and 80 percent of them-- Where does this figure come from, I've never heard that one before?

The Chair:

We are not debating, we are voting.

Mr. Givens:

I know, but I asked that question because I heard the 80 percent of the police and firemen--

The Chair:

It is only the police, not the firemen.

END, MR. GIVENS' REMARKS ON BILL NO. 3095, 6/1/83.

Mr. Robinson:

I'm voting no on 3095 and I'd like to explain my no vote. I think the discussion that we had last Wednesday that centered on Psychological Service of Pittsburgh and their relationship to our recruiting and training program in relation to the Police Department raised a number of issues about the procedures that we are utilizing and whether or not we're getting our dollar's worth. I think certainly the comments that were made relative to the rate of rejection should cause all of us to pause and consider whether or not those requirements that we have in terms of police officers is being met, whether or not the requirements of Judge Weber's court

order are being met, and whether or not we are being totally fair to, not only Psychological Service but others who contract with us to make sure that we have the kind of police officers that we all want to have.

I've taken the liberty of requesting a post agenda next Wednesday which will include Superintendent Coll, a representative of the Psychological Service of Pittsburgh, and hopefully, the Chairman of our Civil Service Commission, to address this issue, not just in terms of Psychological Service of Pittsburgh but whether or not we are getting our dollar's worth, whether or not we are able to recruit in the four categories that Judge Weber ordered us to recruit in, and whether or not we are getting valid complaints about Psychological Service of Pittsburgh.

As I said Wednesday, one of the things I think we don't want to do is cast any aspersions on this organization or it's professional competency. I don't think that's fair to them because we have not heard their side of the story. There may be many sides to the story and hopefully the post agenda will give us an opportunity to identify what the issues are and to make sure that the bottom line is that we're getting the kind of police officers, both male and female, that this City deserves and that we all want.

I'm going to vote no on 3095.

MR. ROBINSON'S REMARKS ON BILL NO. 3095 FROM THE MEETING OF WEDNESDAY, JUNE 1, 1983.

Mr. Robinson:

My concern is similar to that which has been raised by Mrs. Madoff and Mr. Woods. Over the last five and one-half years I have talked to numerous

people concerning this matter, mainly it has been individuals who have been rejected. Unfortunately, I haven't heard from anyone who wasn't rejected. I think in being fair to Psychological Services of Pittsburgh, we need to be careful in perhaps suggesting some criticism of them until we talk to both people who have been accepted and rejected.

My concern goes beyond acceptance or the rejection to whether or not we could not rotate the contract so that we don't stick with one company, particularly where we are getting large numbers of complaints. I don't think we want to do anything to damage their reputation, but by the same token we might be in the situation where a standardized test that can be administered by other professionals should be administered by other professionals. It may be in our best interest, the best interest of the Police Department, and certainly I think it would allay some of the concerns that are being raised concerning this particular service.

I think that there are areas in which we have to depend upon the professionalism of the persons that we contract with, and I think we have to be careful in our evaluation of those services. But, here is a situation where at least five years I think people of goodwill have raised some concerns, and we might want to look at changing our procedure in terms of how we let this contract. We may also want to have some private consultations with Psychological Services of Pittsburgh to determine for our satisfaction what is being done and how they handle these complaints.

As I understand it, what Mr. Woods mentioned is pretty much what occurs, that once you are turned down by them that is the end of the ballgame.

MR. WOODS COMMENTS

Mr. Robinson:

They can re-apply, right. The Psychological Service of Pittsburgh is really put on the defensive when someone contacts them and says hey, you are suggesting that I am unfit. I think there are some other ramifications when you get a notice from a psychologist or psychiatrist suggesting that you are not fit for a certain job.

I would want to suggest to the Department of Personnel and Civil Service that they might want to seriously re-evaluate this so that the situation is not blown out of proportion, and so that everyone, including the Psychological Service of Pittsburgh is treated fairly. I would highly recommend that we begin to look at trying to include other professional services in that testing program so that there is no hint of any kind of favoritism or any hint that anyone is being taken advantage of.

Just one other concern, Phil, for a point of clarification. The process by which this contract was awarded, are you familiar with that?

Mr. Schugar:

I am assuming, and I really don't know, I guess you are right, I am not well prepared to answer all the questions of Council.

Mr. Robinson:

Okay, let me just ask these questions and if you don't have answers perhaps you can supply them to us. Do you know whether or not this particular contract was bid, a bid was advertised, and proposals came in?

Mr. Schugar:

I don't know, I would assume it was.

Mr. Given:

Melanie Smith, I think discussed that in previous times, Bill, and she said it is. That is where they come up with it.

Mr. Robinson:

Phil, do you know whether or not this contract could be let without going through the bidding process?

Mr. Schugar:

The Professional Services, yes.

Mr. Robinson:

Do you know if there is anything that prohibits us from having more than one organization do the psychological testing?

Mr. Schugar:

I don't think there would be anything that would prohibit that. I don't know programatically if that would be the wisest thing to do.

Mr. Robinson:

Could you just get me the answers to those first two questions? My main concern is to determine what legal restraints is the city under, relative to letting this kind of contract, and then what kind of procedure have we used over the last five years. To my knowledge, over the last five and one-half years Psychological Services of Pittsburgh has been the only organization that has done any psychological testing for the Police Department.

END, MR. ROBINSON'S REMARKS ON
BILL NO. 3095, 6/1/83.

Michelle Madoff:

I share the same concerns that Mr. Stone has mentioned previously. When you get an 80 percent rejection, and Mr. Robinson has talked about it and other members of this Council, certainly none of us would want to say that the Psychological Services of Pittsburgh are in any way inefficient because if some police officer was hired then, what would happen is we would be blamed if somebody got hurt, they went out and acted irrationally or irresponsibly.

There's something wrong, I think Mr. Stone said it a lot better than I have, that when 80 percent of the people are being turned down, there's something wrong somewhere. If you read from the report the response that we got from Personnel and Civil Service Commission, Section F says, "After the results of the written test, and the background investigation is completed, a personal interview between the candidate on one of the seven professional psychologists is arranged. This interview serves as a verifying interview."

Well, I believe that people that are being rejected should be told, and we ought to amend this particular piece of legislation, to say that the person who was rejected has the right to go out to two independent psychiatrists and if they are judged to be acceptable to deal in the work of police enforcement, the City would reimburse those two psychological fee tests because I don't believe that one on one they can make a suitable judgement, and incidentally, I'd like my comments brought forward from the other day, because I know that if you listen to almost any advisory panels, psychiatric advisory board, they will tell you, do not necessarily pick the first

psychiatrist somebody recommends to you and go to them for any problems you have. You have to shop around. You have to find somebody that you can have a rapport with that you can interact with and that you can relate to. Perhaps the people that are coming up for psychological testing for police are dealing with a person with whom they do not interact. If the person dealt with seven professional people or three professional people, I'd be more inclined to accept the verdict of 80 percent rejection. And I don't think we would get an 80 percent rejection.

So, I think what we need to do is to change the whole method in which the tests are done. I don't know exactly how you'd go about doing that. Does anybody have any feeling for that? How you would change the test?

Mr. O'Malley:

I think if you point out the two independent psychiatrists and have it billed to the City if they pass would be an enormous expense. But what I've looked into is if somebody failed the psychological test, we set up a review panel of two or possibly three alternative psychologists that they can come back in for a second opinion. I think this would take away that feeling of inadequacy that somebody might have or that feeling of failure. And certainly the review panel could review the results of the first psychologist and give an evaluation.

Michelle Madoff:

I think that's a point well taken but I think you might hesitate or you might want to think about the fact that the price would be the same. If you're going to have six psychologists here, they're going to be paid by the hour and if somebody goes out and talks to two, they're going to be paid by the hour. It

might be cheaper to go to two independents who are unrelated to each other.

Mr. O'Malley:

I was thinking more that they were appointed by the City --

Michelle Madoff:

I'm just telling you that dollars are dollars are dollars and I think that it would make this group a little more responsive.

And may I share with Council that as we sit here today, in San Francisco at this moment there is a meeting going on of police and psychologists and psychology evaluating of police officers. I would like to know -- would somebody send a letter, Mr. Perry, to the Association, to Mr. Schugar and to the Psychological Services of Pittsburgh -- I want to know if they're attending that conference in San Francisco right now because they are dealing with exactly that kind of problem.

Incidentally, we could probably hire a psychologist which would not hurt generally for the City, is experienced in dealing with people who are in hazardous work, not only to evaluate them for their qualifications in the job but trauma that they sustain after they've had to shoot somebody or watched some child burning or seen some horrendous murder. They need some help. And that would be something we ought to look into doing. Mike, would you send a letter to see if we're doing that and get a copy to me and if there isn't, I would like to introduce a bill to that effect.

I'm going to vote yes because I cannot say there are no police and complain about no police if I'm holding up the effort. But I think we have to

change the procedure.

**MICHELLE MADOFF'S REMARKS ON
BILL NO. 3095 FROM THE MEETING OF
WEDNESDAY, JUNE 1, 1983.**

Michelle Madoff:

The company, this firm or whatever it is, this Psychological Services of Pittsburgh, do they use the same person or different people?

Mr. Schugar:

They have a staff of psychologists, they are all professional psychologists, and I don't know the exact number of professionals that they have, but they are all the personnel involved in the screening process.

Michelle Madoff:

When somebody is ruled to be not a suitable candidate, is that on the basis of one person making that evaluation?

Mr. Schugar:

No, it is a group of seven professional people.

Michelle Madoff:

Do the seven people interview that person?

Mr. Schugar:

My understanding is that one person interviews, they share the data with the group, and they are all professional psychologists; then they come up with their evaluation.

Michelle Madoff:

When I say share the data, do you mean it is a written data?

Mr. Schugar:

There is both a written test, there is a personal interview that is done with each and every candidate, and the total results are then shared.

Michelle Madoff:

I must tell you that I have had a number of calls, and I am sure my colleagues have, saying that these people have had jobs—some of them who have applied for police, some of them have been rated elsewhere psychologically as being sound. What I suggested to them is that they go to their own private, find one or two—preferably two or three independent psychologists to re-test them because I have some concerns about this testing, and I think some other people do too. There is something wrong.

MR. STONE COMMENTS

MR. WOODS COMMENTS

Michelle Madoff:

I think that is wrong; just because one attorney has an opinion that doesn't mean that three other attorneys can not be in disagreement with that, or one psychologist that has a personality clash. They suggest when somebody is going to see a psychiatrist, for example, that you go out and you interview five or six of them until you find one that is compatible with you. You can get someone where the personalities clash and then they become biased. From what Mr. Stone has said, when you've got 80 percent being turned down, we'd better look at the situation.

Phil, would it be possible for you to supply this Council with a list of other groups, other than Psychological Services of Pittsburgh, who do the same kind of

work, number one. Number two, I had asked, and it was a rule of this Council that we don't deal with names we deal with principles; who are the principles in Psychological Services of Pittsburgh? I want to know who the physicians are, who the testing psychologists are. Do you know who they are?

Mr. Schugar:

Not right now, personally. I'm sure I can get this information.

Michelle Madoff:

You don't know off-hand, but you should, with all due respect, if you are going to be standing in for your director.

One of the things that I have been trying to get through and I just have not had a chance to follow through is the cost effective bill—where sometimes it isn't the best deal to buy the cheapest. It is called life cost cycling, but that usually applies to equipment, but maybe it applies here too. Maybe the lowest bid is where we are just getting somebody that's picking up psychologists or is between jobs and saying to come on and do it and everyone is scared to make a commitment because they are afraid of how it will affect them individually, and they may not even be full time employees of this firm. We don't know. We are dealing in a vacume here, and I think we need more information. I think that is what Mr. Robinson is saying. We want to know who we are dealing with, we want to know who the company is, are there others. Could we get a rundown on this company. There is something drastically wrong, as Mr. Stone said, for the kind of money we spent in training we could be hiring police.

I'll tell you the concern I have, which is probably one that everybody is

going to jump on me about; there are supposed to be two classes of police, if we can keep turning them down at 80 percent, we could get through the end of this year without even having one class of police and the Mayor will have his \$1.6 million intact. We are going to have it intact anyway because of attrition. He'll have even a bonus on top of that, we'll have more than a \$1.6 million surplus, we'll have a \$2 million surplus if you keep doing this. I just wonder, I am not casting aspersions because I don't know; but it has overtones that make me thing if the Mayor really wanted to put on two classes--and if I were the mayor or anybody else were the mayor and they wanted two classes and you double up on classes it could be done. There isn't even the will to put one class on when we get 80 percent rejections. Something is wrong.

Could we hold this for a week? They are turning down 80 percent anyway. I'd like to know whether we can do something. The point is, I think this is a game-plan not to get the classes. It has overtones that we are not moving these people. The longer we delay, the longer we are going to get through this year and have a surplus. Can we hold it or not?

Mr. Schugar:

What I am saying is I know that we have a class, another group of individuals that are going in for evaluation on the sixth of June.

Michelle Madoff:

The sixth of June. I guess you can't hold it. Okay.

Excuse me, may I change my vote please? I want to be opposed until I get that information. Can you get it to me by Monday?

Mr. Schugar:

Yes.

END, MICHELLE MADOFF'S REMARKS
ON BILL NO. 3095, 6/1/83.

The Chair:

Is there any further further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES 2

(MR. GIVENS AND MR. ROBINSON
VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3173

Report of the Committee on Public Works for June 1, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3063

A Resolution entitled, "Resolution vacating a portion of South Neville Street, between Fifth Avenue and Henry Street in the Fourth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3064

A Resolution entitled, "Resolution amending Resolution No. 876, approved August 26, 1982, effective September 1, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Reconstruction of Arlington Avenue; and providing for the payment of the cost thereof,' by decreasing the total project allocation to Nine Thousand Five Hundred (\$9,500.00) Dollars, and by amending the funding source."

Which was read.

Mr. Stone:

On Bill 3064, I would like my remarks from Wednesday brought forward.

MR. STONE'S REMARKS ON BILL NO. 3064 FROM THE MEETING OF WEDNESDAY, JUNE 1, 1983.

Mr. Stone:

Lou, aren't we going to slow that thing down? We've been on Arlington Avenue, and I remember six years ago we withheld \$2 million on this damn project to have it go. We went through Macon then to do the work and got these other problems, and it's been slowed down. Why don't we just proceed with the darn thing.

MR. GIVENS COMMENTS

Mr. Stone:

Nobody knows more about this project than I do because I've been an expert on this project. I dealt with the Port Authority on this project, I dealt with the community, I dealt with every engineer—city, county, state and federal on this particular project, as well as the Federal Highway Department on this project, as well as involvement with the Legislature of the State of Pennsylvania trying to get enough votes to clear that thing, and trying to get Bechtold to make the changes as well. As far as this thing is concerned, we ought to get on with the highway so that once and for all the people in the South Hills are free from it. The Smithfield Street Bridge you can't go across, Sycamore Street you can't go up, Arlington Avenue, Warrington Avenue, the Liberty Bridge; how much more traumatically are you going to affect people as we have been doing here.

MR. DE PASQUALE COMMENTS

Mr. Stone:

The first problem we had was with the Port Authority, whether it was one track or two tracks, and whether they were going to make their proper contribution. We forced the hand, if you'll recall, a couple of years back; we held back every piece of legislation for the Port Authority that they went through for the first six months, until they discovered we were not passing it. Then I went over and met with them, and at that time they approved it and that is when it went on.

MICHELLE MADOFF COMMENTS

Mr. Stone:

It is the reduction that I have a problem with, Lou.

Director Gaetano:

It is not a reduction. When Bechtold came up with his decision, his decision also froze Macon Engineering and me entering into an agreement with them; I could not enter in any engineering agreement with Macon Engineering at all. That meant that the property acquisition that we had scheduled for this year was done for this year.

To move the property acquisition along and the project along, Macon has turned over his work to us and we had started to do the property acquisition maps ourselves.

Mr. Stone:

With our own monies?

Director Gaetano:

In-house, with my own monies. Macon will continue to work with us and do all the soil and geo-tech work. Eventually, maybe that \$9,500.00 will next year be another \$9,500.00 or \$20,000.00; but this year it is all I need for Macon right now.

Mr. Stone:

Okay, Lou, in view of this particular thing, I think we better go on to one of our usual things. I want a report every quarter on what is happening on Arlington Avenue and Warrington Avenue. Those two streets have to move.

END, MR. STONE'S REMARKS ON BILL NO. 3064, 6/1/83.

Also,

Bill No. 3065

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Ackenheil and Associates for Design, Geotechnical Services and Construction Services in connection with the temporary repairs to Williams Street; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3066

A Resolution entitled, "Resolution providing for an Agreement or Agreements with D'Appolonia Consulting Engineers, Inc. for Professional Engineering Services in connection with the Short-term Stabilization of Rock Cut Slope above E. Sycamore Street; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3067

A Resolution entitled, "Resolution granting unto the Pittsburgh National Bank (Berlin Building), its successors and assigns, the privilege and license to reconstruct, maintain and use, at its own cost and expense, an electrical vault in a portion of the sidewalk at 235-239 Fifth Avenue, Second Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3068

A Resolution entitled, "Resolution accepting the grading, paving, curbing and sewerage of Rialto Place, for public purposes, opening and naming the same fixing the width and position of the roadway and sidewalks, and accepting the grading, paving, curbing and sewerage thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3174

Report of the Committee on Planning, Housing and Development for June 1, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2953

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Pittsburgh Neighborhood Alliance for the implementation of the "Home Security Program", including Block Watch Organizers and the installation of locks and smoke detectors in various Community Development Block Grant neighborhoods in the City."

Which was read.

Also,

Bill No. 3074

A Resolution entitled, "Resolution providing for the implementation of a Residential Sticker Parking Program in the Oakland community pursuant to Pittsburgh Code, Chapter 549."

Which was read.

Also,

Bill No. 3075

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Otis King and Evelyn King for the sale of Parcel 107 in the 3rd Ward of the City of Pittsburgh in Redevelopment Area No. 31 (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 3076

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the

Urban Redevelopment Authority of Pittsburgh and Infil Housing Corporation for the sale of Block 45H Lots 257 and 259 and Block 45M Lot 62 in the 26th Ward of the City of Pittsburgh (Single Family Housing)."

Which was read.

Also,

Bill No. 3077

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Matthew Charles Bousquette for the sale of Block 23J Lot 68 in the 25th Ward of the City of Pittsburgh (Resale for Rehabilitation)."

Which was read.

Also,

Bill No. 3078

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Mario DiDiano and Rosario DiDiano for the sale of Block 124J Lot 59 in the 12th Ward of the City of Pittsburgh (Sideyard)."

Which was read.

Also,

Bill No. 3079

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various developers for the sale of properties for \$100.00 per lot as per the Property Management and Maintenance

Program (PMMP Sideyard Sale)."

Which was read.

Also,

Bill No. 3080

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various developers for the sale of properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP Sideyard Sale)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3175

Report of the Committee on Water for

June 1, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3070

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of a UV-Visible Spectrophotometer; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3071

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of 14 Level and Flow Recorders for the Operations Center Control Panels at the Water Treatment Plant; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

Mr. President, on 3071 I would like a note made for budget hearings, as we discussed the other day, that when we go to give Pitt some money, I would like to see that we have some services back from them such as the mass spect or water testing equipment. Also, I believe we give some money to CMU, I don't know. But any funds that go to the universities, I'd like some in kind services.

Mr. Stone:

I'm not so sure we're giving grants, Michelle. We're buying services

from them.

Michelle Madoff:

We don't give them any funds at all at Pitt?

Mr. Stone:

It's always a service kind of a contract.

Michelle Madoff:

What kind of service are we getting?

Mr. Stone:

They're doing something for us, some study or something, that we advance funds for.

Michelle Madoff:

Then I would like to suggest that we buy the use of the mass spect for emergency use. If you read this morning's paper, there were some well contaminated very seriously. While they're not in the City, it could happen with City water. We've had some episodes and we've had no mass spect test. We send them to three labs, split bottle, and they come back with three different readings. They're the best in the country and I would like to be able to use their mass spect and I'd like to think in terms —

Mr. Stone:

I don't have any problem with that. If they have something we could use we ought to be able to use it.

Michelle Madoff:

And they said no. I've spoken to Mr. Posvar about it and they are

hesitating and you know why. They get a lot of money from private industry and usually the perpetrator of the episode, if there's a spill, is an industry who may be one of their donors. I would like to make some arrangement that they give us the use of the services. And I would like to very carefully look at what services we pay for and what kind of studies.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3176

Report of the Committee on Parks and Recreation for June 1, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3085

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the installation of capacitors or other energy saving devices to existing equipment and electrical systems in the Department of Parks and Recreation's facilities; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3086

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the repair of various facilities within the Department of Parks and Recreation; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3087

A Resolution entitled, "Resolution providing for authorization to enter into an Agreement or Agreements with various contractors for services in conjunction with the 1983 Summer Recreation Program and providing for payment of the cost which shall not exceed Sixteen Thousand (\$16,000.00) Dollars and is chargeable to and payable from Code Account Special Parks Program Trust Fund (SPPTF), in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3088

A Resolution entitled, "Resolution

amending Resolution No. 95 effective February 21, 1983 entitled, 'Providing for a Contract or Contracts or the use of existing Contracts for bituminous and concrete paving and fence installation at various park locations; and providing for the payment of the cost thereof' by increasing the amount provided."

Which was read.

Also,

Bill No. 3117

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Arlington Little League Baseball Team, for purchase of baseball uniforms and equipment, to provide a baseball athletic program for needy youth, and transferring the sum of \$772.00 from Code Account No. 10 Accounts Payable Prior Years to Code Account No. 1838, Misc. Services, Department of Parks and Recreation."

Which was read.

Mr. O'Malley:

I'd like to make an amendment, Mr. President. I'd just like to delete one sentence where it says, "The Mayor and the Director of the Department of Parks and Recreation are hereby authorized and directed to enter into an agreement or agreements with Arlington Little League Baseball Team" I'd like to have deleted, "for purchase of baseball uniforms and equipment" and it will just read, "Arlington Little League Baseball Team to provide for a baseball athletic program for needy youth."

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

Bill No. 3121

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Lower Hill Outreach YMCA to provide transportation for their Summer Day Camp Program, and transferring the sum of \$2,000.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1838, Misc. Services, Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3177

Report of the Committee on Lands and Buildings for June 1, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3055

A Resolution entitled, "Resolution providing for a license to Bell of Pennsylvania for the installation of a concrete pad together with other necessary appurtenances thereto on City property at Morningside and Stanton Avenues, 10th Ward."

Which was read.

Also,

Bill No. 3056

A Resolution entitled, "Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 9 E, Lots 61 and 66, to the Pennsylvania Department of Transportation for the sum of \$33,400.00."

Which was read.

Also,

Bill No. 3057

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh, to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in various wards of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form, for a total consideration of \$34,374.00, as indicated in the attached addendum."

Which was read.

Also,

Bill No. 3058

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Hill House Association, a non-profit organization, for the renovation of the Kaufmann/Hill House Multi-Service Center, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3059

A Resolution entitled, "Resolution providing for an Agreement or Agreements for Architectural/Engineering Services in connection with the design and rehabilitation of various roofs, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3060

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Buhl Planetarium, a non-profit corporation, in connection with renovations to the facility, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3061

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for

the installation of sidewalks in connection with the Morse School Project, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens moved to approve the minutes of Monday, May 23, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, June 13, 1983

No. 24

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, June 13, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

ABSENT:

MRS. MASLOFF
MR. STONE

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3179 Resolution amending Res. 301, eff. May 6, 1983, providing for a Contract/s for construction in connection with No. 17 Fire Station, Mt. Washington, by increasing total cost from \$365,000.00 to \$425,000.00. The additional \$60,000.00 chargeable to and payable from LB 83-01 (4-25-01-1964-83) Rehabilitation for Fire Stations, Department of Lands and Buildings.

Also,

No. 3180 Resolution providing for a Contract/s for construction in connection with handicapped accessibility at the Public Safety Building at a cost not to exceed \$40,000.00 chargeable to and payable from as follows: CDLB 82-09 (4-25-15-0002-82-39-82-25) \$25,310.00 and CDLB 83-15 (4-25-15-0002-83-39-83-25) \$14,690.00, Public Bldgs., Accessed by Handicapped, Department of Lands and Buildings.

Also,

No. 3181 Resolution providing for a license to Duquesne Light Company for the relocation and/or installation of an overhead electrical system consisting of one (1) anchor, guy wires and other necessary appurtenances together with one (1) submarine cable crossing marker on City property, Riverfront Park, 16th Ward, designated as Block and Lot 12-B-110 in connection with electrical service to the area.

Also,

No. 3182 Resolution providing for a Contract/s and/or an Agreement/s in connection with energy conservation improvements at various locations at a cost not to exceed \$15,000.00 in the aggregate chargeable to and payable from LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Department of Lands and Buildings.

Also,

No. 3183 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein.

Also,

No. 3184 Resolution amending Item (C) of Resolution No. 225, appr. 4-11-83, which forfeited the hand money of James F. Moody, for the sale of property at 7005 Bennett Street, 13th Ward, Block and Lot 125-H-333A, for \$3,000.00. Amendment is to correct the amount of hand money forfeited from \$300.00 to \$100.00.

Also,

No. 3185 Resolution amending Item C of Resolution No. 311, appr. 5/6/83, for the sale of a 2 Sty. Brk. Hse. located at 2011 Fifth Avenue to Anthony F. Williams for the sum of \$1,000.00. Reason for the above amendment is to correct the Ward number from 3rd Ward to read the 4th Ward.

Also,

No. 3186 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with

Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3187 Resolution providing for a Contract or Contracts for the Purchase of Litter Can Receptacles to be used on City Streets; and providing for the payment of the cost not to exceed \$25,000.00 payable from Code Account 1612-2, Equipment, Bureau of Operations, Department of Public Works.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3188 Resolution providing for a Contract or Contracts for the widening and reconstruction of the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, chargeable to and payable from the following accounts PW 83-11, 4-01-05-0426-83 - \$2,280,000.00, CDPW 79-15, 4-01-05-0426-79-22-79-01 - \$440,000.00.

Which was read and referred to the

Committee on Public Works.

Michelle Madoff presented

No. 3189 Resolution authorizing the Director of the Department of Water to grant the application of James Ruggeri, 1335 Freeport Road, Pittsburgh, PA 15238 for water supply outside the City of Pittsburgh.

Which was read and referred to the Committee on Water.

Also,

No. 3190 Resolution authorizing and directing the Superintendent of the Department of Police to establish a system for the towing of any and all vehicles found parked in violation of signs designating "No Parking" during certain times due to street cleaning.

Which was read and referred to the Committee on Public Safety.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3191 Resolution providing for the issuance of a warrant in favor of Joseph J. Graciano Corp., 7925 Hill Avenue, Pgh., PA 15221, in the amount of \$66,500.00 chargeable to and payable from CBA No. WD-81-04 (4-05-30-0002-81), Dept. of Water. Payment is for additional coating protection and sealer at the Water Treatment Plant. Prior approval granted by Council Bill No.

2299 (1983).

Also,

No. 3192 Resolution providing for the issuance of a warrant in favor of Spiniello Construction Co., P.O. Box 4282, Pgh., PA 15203, in the amount of \$13,755.00 for installation of 55.02 linear ft. of 20" ductile iron pipe, chargeable to and payable from Capital Budget Account No. WD-80-03, (4-05-15-1050-80), Dept. of Water. Prior approval granted by Council Bill No. 2942 (1983).

Which were read and referred to the Committee on Finance.

Also,

No. 3193 Resolution providing for a Contract or Contracts for the Purchase of a Miller Fluid Valve, at a cost not to exceed \$6,000.00 chargeable to and payable from CBA No. 83-02 (4-05-05-0200-83), Dept. of Water.

Also,

No. 3194 Resolution providing for a Contract or Contracts for Rehabilitation of Six (6) Synchronous Motors at the Brilliant Plumbing Station, at a cost not to exceed \$40,000.00 chargeable to and payable from Capital Budget Account No. WD-83-04 (4-05-06-0100-83), Dept. of Water.

Which were read and referred to the Committee on Water.

Also,

No. 3195 Resolution authorizing and directing the Director of the Dept. of Lands and Buildings to include in all legislation providing for the sale of city-owned property information indicating the last date the property was appraised, an estimate of the cost necessary to

improve the property, and information as to how the prospective buyer became aware that the property was for sale.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Robinson presented

No. 3196 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing from "R2" to "RP" all that certain property located on the northerly side of SHIRAS AVENUE between LOS ANGELES AVENUE and VODELI STREET, 19th Ward.

Also,

No. 3197 Resolution approving a Conditional Use under Section 993.01(a)A33 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended for a Housing Facility for the Edlerly containing 31 dwelling units at the Lee School Site located on the northerly side of SHIRAS AVENUE between LOS ANGELES AVENUE and VODELI STREET, 19th Ward.

Also,

No. 3198 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties in the 21st Ward — Redevelopment Area No. 27. (Resale for rehabilitation)

Also,

No. 3199 Resolution approving the sale of Block 12N Lot 224 (61-63 Gregory) in the 17th Ward of the City of Pittsburgh by and between the URA and Philip and H. Patricia Ortego and Kazimierz and Wasylna Kokocinski for \$2,000.00 — Residential Land Reserve Fund. (Sideyard)

Also,

No. 3200 Resolution approving the sale of Parcels 74, 102 and 208 (1320 Juniata, 1206 N. Franklin, and 1338 W. North) in the 21st Ward of the City of Pittsburgh by and between the URA and Manchester Associates for \$160.00, \$235.00, and \$135.00, respectively, — Redevelopment Area No. 27. (Sideyard)

Also,

No. 3201 Resolution approving the sale of Block 175A Lot 9 (522 Albion) in the 13th Ward of the City of Pittsburgh by and between the URA and Shirley Jean Cole for \$100.00 — Great House Sale. (Sideyard)

Also,

No. 3202 Resolution approving the sale of Block 7B Lot 235 (1011 Manhattan Street) in the 21st Ward of the City of Pittsburgh by and between the URA and James Shipp, Jr. for \$3,750.00 — Residential Land Reserve Fund. (Resale for rehabilitation)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 3203 Resolution authorizing the issuance of a warrant in favor of the U.S. Department of Labor in the amount of \$4,791.50 in payment of disallowed costs in the City CETA program, payable from CETA T.2 Trust Fund, federal funds.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day

following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

Also,

No. 3204 Resolution providing for the issuance of a warrant in favor of N.C.R. for the cost of repairs made on two N.C.R. Bookkeeping Machines, chargeable to and payable from Code Account 1048, Misc. Services.

Also,

No. 3205 Resolution providing for the issuance of a warrant to Rose Young and Lola Covington, c/o Arnold H. Cantor, Esquire, 5880 Ellsworth Avenue, Pgh., PA 15213 in the amount of \$3,868.30 in full settlement of a claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 3206 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting interim approval for payment to the Four Seasons Clift Hotel and Travel Magic Agency for an Urban Consortium Energy Task Force meeting held in San Francisco, CA in September, 1982, at a cost not to exceed \$750.00, payable from the Energy Trust Fund.

Also,

No. 3207 Communication from Melanie J. Smith, Director, Dept. of Personnel, requesting authorization for David Farley to attend the conference of the Pennsylvania Department of Labor and Industry and Pennsylvania Department of Education in Harrisburg,

PA on June 16 and 17, 1983, at a cost not to exceed \$400.00 payable from CETA Trust Fund, federal funds.

Also,

No. 3208 Communication from John E. McGrady, City Controller, submitting the audit report of January 1, 1982 to December 31, 1982 for the Municipal Pension Fund of the City of Pittsburgh.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3209 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting authorization for himself and Edward L. Earnest to attend the NIGP/NPI Joint Annual Conference and Products Exposition in San Antonio, Texas from August 27-31, 1983, at a cost not to exceed \$2,500.00 payable from Code Account No. 1128, Misc. Services, General Office, Dept. of Supplies.

Which was read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3210

Report of the Committee on Finance for June 8, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3122

A Resolution entitled, "Resolution providing for the issuance of a \$2,693.61 warrant in favor of the Housing Authority of the City of Pittsburgh in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3123

A Resolution entitled, "Resolution providing for the issuance of a \$1,017.42 warrant in favor of Mary R. Staley in settlement of claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3124

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with a consulting firm for professional services in connection with the development of an Indirect Cost Schedule for submission to the Federal Government; and provides for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3129

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of \$30,000.00 from Code Account 1146, Utilities, Bureau of Automotive Equipment, Department of Supplies, to Code Account 1128, Miscellaneous Services, General Office, Department of Supplies."

Which was read.

Mr. Robinson:

On Bill 3129, I'd just like to indicate that I think that we probably could find this money in a more appropriate code account. I hate to see Supplies take that money out of the code account that they're taking it from.

I would just encourage Council to be more diligent or to be diligent in the future about which code accounts departments would like to take money from.

Michelle Madoff:

I commented on that last time, Bill, and they said it was the only place the money was available. I asked that at Wednesday's meeting.

Mr. Robinson:

Well, I think that there's probably some other places that the money is

available.

Michelle Madoff:

I'm inclined to agree with you.

Mr. Robinson:

It makes me question whether or not when the budget was originally prepared if there wasn't too much money allocated to Code Account 1146 for Utilities.

Mr. Woods:

On Bill 3129, the reason that we have the extra money in that particular code account is because we had a very mild winter and our bills weren't nearly what we expected.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3211

Report of the Committee on Public Works for June 8, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3111

A Resolution entitled, "Resolution providing for the issuance of a permit to Charles J. Lenz to grade, pave and maintain an unimproved portion of Sophia Street from the end of the existing paving through his property, approximately seventy-five (75) feet. In the 26th Ward, City of Pittsburgh.

Which was read.

Also,

Bill No. 3112

A Resolution entitled, "Resolution granting unto Ronald and Marlene Maglin their successors and assigns, the privilege and license to continue to use and maintain at his own cost and expense, for the duration of the present driveway and walkway that portion of Melbourne Street along side their home at 4165 Beehner Road, 15th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3114

A Resolution entitled, "Resolution authorizing and directing the Director of the Department of Public Works to place on City streets permanent signs indicating scheduled times for street cleaning."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3212

Report of the Committee on Planning, Housing and Development for June 8, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2994

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Advanced Technology Center, Mellon-Pitt-Carnegie Corporation, located in Oakland, for local government matching funding support of the Advanced Technology Center to identify research

and development opportunities for Western Pennsylvania, and provide financial packaging and technical assistance, at a cost not to exceed \$25,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3039

A Resolution entitled, "Resolution adopting certified record and findings of fact and conclusions of law in support of the denial of conditional use application No. 467 - for requesting permission by Ellwest Stereo Theatres, Inc., on property at 228 Forbes Avenue in the First Ward of the City of Pittsburgh, to change a portion of the first floor area from booths using coin operated movie film machines to a stage area for live entertainment."

Which was read.

Michelle Madoff:

On Bill 3039, do we just vote aye and that means that we're voting to oppose?

The Chair:

There's no veto on this bill, is there? Is this an affirmative vote, Mike?

Mr. Perry:

This is a regular vote.

The Chair:

Aye for yes and nay for no.

Michelle Madoff:

Fine. No problem.

Mr. Flaherty:

I'm going to oppose 3039 for the reasons that I stated in Wednesday's Committee Meeting, and I would like them included in the Municipal Record.

(MR. FLAHERTY'S REMARKS ON BILL NO. 3039 FROM THE MEETING OF WEDNESDAY, JUNE 8, 1983)

Mr. Robinson:

Mr. Chairman, if I might, I would like to make a motion to hold this bill for one week in order that the solicitor can come to the table. Then, after his discussion I would like the Chair to entertain perhaps another motion. So that we can have some discussion, I would just like to make a motion to hold for one week, then I would like to have the option to change that motion after we talk to the solicitor.

Michelle Madoff:

Question on holding. Bill, why do you want to hold it?

Mr. Robinson:

So the solicitor can come to the table to discuss it. I don't want to make a motion to approve or disapprove until after I hear from him.

The Chair:

The only problem I have with that, the motion is to hold for a week, which means the discussion would be relative to whether or not you hold for a week.

Mr. Robinson:

I don't have any problem with that.

Michelle Madoff:

May I ask you to withdraw your motion, have us hear from the director, then if you want to, to go ahead with it today?

Mr. Robinson:

Point of order. In the past, when Council members have made an attempt to discuss an issue prior to making a motion, the Chair has always ruled us out of order. I am simply trying to find a procedure where we can talk to Mr. Pellegrini prior to a motion being made to approve or disapprove. If the Chair can give us some help on that regard, I will withdraw my motion.

The Chair:

If you are going to talk on the holding, then just go ahead.

Mr. Robinson:

No, I want to talk substantively to Mr. Pellegrini on the bill.

Michelle Madoff:

I've done it frequently without moving on the bill. I'd say I want to discuss it before moving on the bill.

The Chair:

Michelle, we've been trying to get down so that— You see, what happens here at this table, and everybody is not seeing that and you have to see it somewhere along the line; if you are just opening a general discussion, then the world is your field, but if you make a motion you are at least saying where you are so that you can find out whether you are in order or out of order. That is the reason for this.

Mr. Woods:

Can I make a suggestion? Bill, would you withdraw the whole motion, make a motion to approve, we'd get a second and we would discuss it; then, if you decide to hold we can withdraw those motions.

Mr. Robinson:

Okay. If the Chair will allow me that option, then I withdraw my motions.

The Chair:

You have that option.

Michelle Madoff:

I withdraw my second.

Mr. Robinson:

I make a motion to approve.

Michelle Madoff:

I second that motion.

Mr. Given:

Discussion. Could we have Mr. Pellegrini to the table?

The Chair:

I've called him already.

Mr. Robinson:

Dan, if I might, as you know, there has been some discussion around Bill No. 3039—there was a post agenda on this issue. Could you give us some clarification as to where we stand on this? I believe some other members of Council have some questions.

Mr. Pellegrini:

What happened is that this was approved by Council in May of 1981. An appeal was taken to the Court of Common Pleas on June 17, 1981. As an aside, on July 2, 1981 there was a case decided by the Commonwealth Court called North Point Breeze Coalition versus the City of Pittsburgh. What they said is that until that time, we took the position that you cannot appeal a decision of Council denying a conditional use because it just was not appealable. The Commonwealth Court said it is appealable, and you have to give a due process hearing. In this particular situation, a due process hearing involves cross examination and a full-blown transcript recognizing the cross examinations.

We had a conciliation with Judge Pappadakos. What he did was he decided the North Point Breeze case in the lower court, and he said if the Commonwealth Court wants to say that due process

hearings take place, and City Council wants to hear conditional uses, we are going to make a due process hearing take place before City Council.

Well, we were in a bit of a quandary because we had never had those hearings in City Council. We looked at a procedure that could be utilized to obtain the same result. Under the municipality's planning code—

Mr. Givens:

Danny, are we talking about pornographic—

Mr. Robinson:

Mr. Givens, please.

The Chair:

Dick, let him finish.

Mr. Givens:

Point of clarification. We are talking around in circles. Is this pornographic, coin operated pornographic, now live?

Mr. Pellegrini:

Yes. So, what happened was under the municipality's planning code what you do is after Council holds a hearing and has denied them, and an appeal was taken; the appeal is then taken to the Zoning Hearing Board which makes the record. So another order of court was entered saying it would go down to the Zoning Hearing Board and they would make the record. That record was filed on December 2, 1981.

What was going on at the same time is that there was another case in the Commonwealth Court involving Ellwest Stereo Theatres, and no one

pushed anything until that was resolved. On February 17, 1983 they said fine, you have a due process hearing, but City Council didn't give findings of fact and conclusions of law. So that is what this bill is for, to give findings of fact and conclusions of law; it is not to change the ultimate recommendation of City Council. This was the first one that came down after that bill, and we were not quite sure of our procedure. What we do now, if you notice the President of Council, when you hold conditional use hearings they say does anybody have any questions. In the last appeal, Divine Providence, the court said that that was fine. If you looked at your bill there are whereas clauses which were the findings of fact and conclusions of law. It took a while to get the procedure, but if you recall, there has been a couple of these over the years—Hasina House which was referred back, and I forget the other one. It wasn't unusual, and there may be more where the court said the findings of fact and conclusions of law are not specific enough. When these things happen when there are appeals taken, that will occur.

Mr. Robinson:

Two other questions. One relates to Judge Pappadakos' order. I don't know whether you have that in front of you or not, but it is my understanding that the Judge, in his order, recognized that Council did not provide the court with sufficient information, and that the Judge wanted us to provide him with sufficient information.

Mr. Pellegrini:

Correct.

Mr. Robinson:

My concern is, was there any process initiated to get the information

from Council, not by the court but by the city representatives to present to the court?

Mr. Pellegrini:

What happened was that when there was initial court order ordering it back to Council we talked to him and he said it could be for the Zoning Hearing Board and the transcript could be prepared there. We felt that that way would have been sufficient, all Council involved felt that that was sufficient and the Judge could make a decision based on it. We filed that with the court on December 21, 1981, and we thought that the court was going to issue a decision. It wasn't until February 17, 1983 that the court said no, you didn't give us enough. He interpreted his order of July 17, 1981 which said you had to give findings of fact and conclusions of law. He said it was a misunderstanding on all the attorneys involved on that case.

Mr. Robinson:

Did anyone from your office contact the City Clerk or the President of Council to get any of our records relative to this, that could be presented to the court?

Mr. Pellegrini:

We filed those records. At that time the court said we didn't have the hearing that they wanted, so they were not relevant. What we provide the court routinely with now is all the copies of the Planning Commission's reports, your transcript that is made here, and a copy of the resolution that is enacted by Council.

Mr. Robinson:

Has that procedure been established subsequent to the situation

that we have before us now?

Mr. Pellegrini:

That's right. This was the first case that came down after the whole procedure was changed.

Mr. Robinson:

Has the Council President or the City Clerk been informed of this procedure so they can assist you in getting the material in the future?

Mr. Pellegrini:

The President of Council, as you notice when he holds the hearings asks if anybody has any questions, so Mike knows how to get the transcripts and what we want.

Mr. Robinson:

My point is that I had suggested to the City Clerk that he contact you to make sure that there was a firmly established procedure that both Council and the Law Department understood, so that in the future Council's material can be presented to you so you can present it to the court.

Mr. Pellegrini:

What we do now is there is no additional hearings in courts, what they do is to take your transcript and the resolution and the findings of the Planning Commission and the court makes a decision based solely on that information. At that time we didn't have that procedure established because there were no appeals taken.

The Chair:

Danny, what do you do in the event that nobody speaks on it, they just

motion and second to pass?

Mr. Pellegrini:

That's why I said in the future we may be coming back with these type of resolutions. I think the procedure will be much clearer because this was the first time.

Mr. Givens:

Danny, in approving this, are we saying that in fact we are denying--

Mr. Pellegrini:

Yes.

The Chair:

All we are doing is giving the support for what we did.

Mr. Givens:

What you are saying to me then is that on each of these specific cases you might have to come back to Council.

Mr. Pellegrini:

It would depend on if the court finds that the conclusions are not sufficient or he wants more detailed conclusions. I think what prompted this was another case that came down involving the Zoning Hearing Board. It went all the way up to the Commonwealth Court and Judge Pappadakos was affirmed and they said well, we don't have enough findings of fact and conclusions of law, we are going to remand it back. I think Judge Pappadakos was responding to that in February of 1983.

Mr. Flaherty:

I have some questions, Danny. To

try to follow up on what Councilman Robinson was trying to hit upon, if you go to the proposed ordinance, the whereas reads, "Whereas, on July 18, 1981, after a court ordered conciliation, the court ordered that the matter be remanded to City Council for the preparation of a full record and the findings supportive of the denial." Then, the following whereas reads, "Whereas, by September 23, 1981, when Council had not complied with the July 17, 1981 order...."; why hadn't Council complied?

Mr. Pellegrini:

There were a number of problems. Number one, we didn't know exactly what we were doing at that point; it was the first procedure that came up. If you take a look at July 17th, and when Council was not in session in August there was no way physically that we could have Council comply by that date.

Mr. Flaherty:

Had you contacted Council?

Mr. Pellegrini:

When the order came down July 17th, now we hadn't; I think we sent a copy of the order but we hadn't discussed it.

Mr. Flaherty:

Why hadn't you contacted Council?

Mr. Pellegrini:

Because we were examining the decision and trying to figure out what was going on, because at the same time, on July 2, 1981 we had the North Point Breeze Case and we were in a bit of a quandary. There were discussions going on at the time, and it was decided that the best place to have the due process

hearing was the Zoning Hearing Board. On September 29th the court ordererd it back to the Zoning Hearing Board. All the Zoning Hearing Board would do would be to make the record; and, that record was forwarded to the court, and we believed that that was enough and the court would have been satisfied.

Mr. Flaherty:

Had the court been told that your office had not even attempted to receive any information from Council?

Mr. Pellegrini:

We had a problem, and if you take a look at the procedures involved , you are off in the month of August, you don't come back until the first Monday after Labor Day—

Mr. Flaherty:

But, you are not the City Clerk, Danny. That is exactly what the problem is, I think you are pre-empting Council in this whole process, even to the point of deciding what Council or what the City Clerk's office is capable of doing or not capable of doing. I would hope that you would let that to the City Clerk's Office.

Mr. Pellegrini:

We sent a copy of the decision; I think the problem that we had at that time was exploring our options. This was the first case, we have since established the procedure.

Mr. Woods:

He is right, you should have informed us in some manner.

Mr. Pellegrini:

I think we sent a copy of the order,

and we do inform you of these decisions now.

Mr. Woods:

Since then, but not at that point.

Mr. Flaherty:

Well, two weeks ago Mike Perry said he couldn't recall recieving it.

Michelle Madoff:

You thik you sent a copy of the order? Whom did you send it to?

Mr. Pellegrini:

This was two years ago, I don't recall.

Michelle Madoff:

Mike, did you get it?

Mr. Perry:

I don't recall.

Michelle Madoff:

You'd have it filed. You're pretty good at filing things that are five years old.

Mr. Pellegrini:

We will send copies of the orders.

Michelle Madoff:

That's not my question. If this happened five years ago and the issue is current, wouldn't you have thought to reactivate it and see that we got the information so that we could deal with it on a current level?

Mr. Pellegrini:

I think that what we were attempting to do was to keep Ellwest Stereo Theatres from not opening with live sex shows.

Michelle Madoff:

I think we are all in agreement; but let's assume there was an issue that we weren't in agreement with, and frequently Council doesn't agree with Danny Pellegrini—we need our own attorney desperately.

The Chair:

Hold on at this point, let me just make a comment. I think it is being overlooked what is really happening here. Council made a decision, and what he is giving you is facts, circumstances, conclusion, in order to substantiate what Council did. He is not making any decision differently, he is just giving you support for your decision; and that is what he is going through because the law is in a period of flux at that point. It came after as to what had to be done, and he was trying to come back, to give Council the support that it needed to justify its decision, as I read it.

Mr. Woods:

I understand what you said and I understand what Danny said, when I sat here at a post agenda he explained it all; but, the bottom line, and I am still in favor of it so I am going to vote for it, but the bottom line is you didn't inform us when you were supposed to, and you went on your own and fought it. We should have been informed; that's the bottom line. I think that is what everyone is trying to say.

Michelle Madoff:

So that we could support you.

Mr. Pellegrini:

I agree, if there is a problem about receiving information on these. I think the problem with this particular one, if you are talking about a particular one, is that we didn't quite know what we were going to do and what the procedures were. We had a procedural difficulty at that time.

Mr. Woods:

We understand that, but you, in some form, on July 17th or shortly thereafter we should have been told, hey—we have a problem, we're fighting this case and you might have to do this by September something. But, you didn't do that and that is what Councilman Robinson was saying, and Michelle.

Mr. Pellegrini:

I agree, we should have come back to City Council—

Mr. Woods:

Immediately, if not sooner.

Mr. Pellegrini:

On July 17th the court entered an order and said that you've got to hold a due process hearing and you have to sit through another Ellwest Stereo Theater hearing.

Mr. Woods:

That's the only argument I have.

Mr. Flaherty:

Had you considered that in

reviewing, or perhaps you hadn't even reviewed Council's transcript on the hearing, but you presumed that perhaps the hearing in front of Council and the reason for Council as a whole refusing the application could not hold up, perhaps, in a court of law, in that Council had not substantiated their reasons for denying the applicant; but perhaps Council was acting in a political fashion against pornography without substantiating it.

Mr. Pellegrini:

No.

Mr. Flaherty:

Did Council substantiate it?

Mr. Pellegrini:

Yes.

Mr. Flaherty:

See, you are giving us support. No, no, Council did not, that's why we are on the bill right here today. You are coming back and you are telling Council why it voted two years ago against denying this application, so it can be upheld in a court of law.

Mr. Pellegrini:

The procedure is that you have to make findings of fact and conclusions of law when you go up and you deny a conditional use. Until the North Point Breeze case that came down in July, 1981, you could do anything you wanted to do, and we took the position and we were successful for a number of years saying that City Council could not be challenged. There were two or three cases that came down, Hasina House was the other one and we did the same thing on Hasina House, it went right through.

That came down in that interim period. The court doesn't care what reasons that you put in, they just want reasons. Now we are going to have to give them reasons when we do things. What we've been doing is saying that in those cases where the Council affirms the Planning Commission, the Planning Commission issues the report and we say that Council adopts those reasons.

There may be cases where they come back. If each of you want to submit 12 conclusions of law in saying why you didn't do it, then we will be very happy to put them in format. But, the reason on this particular case is that it is within 1,000 feet of the other areas.

The other thing, I have to say that Judge Pappadakos indicated to me that he doesn't like Council hearing conditional uses, period. He said that he'd rather have them all, a conditional use is nothing more than a special exception, which is handled by the board. He said the boards are set up and they can do it much faster. Well, I said that that is not my decision as to whether or not Council holds conditional uses or not; and, he said I am going to make it as hard on them as possible.

Mr. Woods:

He has a right to be ridiculous. That's the judge, and he has a right to be ridiculous.

Mr. Flaherty:

Essentially, Danny, you are giving us the reasons why two years ago we voted to deny the conditional use application.

Mr. Pellegrini:

No, what I am saying is you are giving the court the reason.

Mr. Flaherty:

Well, we are giving the court the reason. No, you are giving us the reasons to give to the court because you prepared all this, because you never asked Council for our transcript, and you never asked Council for their findings and the facts as to why they voted the way they did two years ago.

Mr. Pellegrini:

The findings that were prepared were draft findings. If you want to change them, you can put any changes that you want in them; or, you can prepare your own bill and substitute your own findings. Those findings were prepared in a manner that we believed the way that the Council would act properly, and that Council would want to go on record as saying why it turned it down.

Mr. Flaherty:

I just have one other question. It is another train of thought, but it seems to me a real glaring question. On page four it says, "Whereas testimony was given April 7, 1981, public hearing as follows: The subject property is located within 1,000 feet of several of the uses listed to Section 993.01 of the Code, including several licensed liquor establishments and pool hall." What I am concerned about, the testimony was given on April 7, 1981 and you were substantiating the testimony with Section 993.01, which was not enacted until April 2, 1982. How could you substantiate testimony back on April 7th—

Mr. Pellegrini:

You're wrong. It was April 21, 1981.

Mr. Flaherty:

No, I have the ordinance right here in front of me. If you care to go through Section 993.01 it is 1982.

Mr. Woods:

It was amended, I think.

Mr. Pellegrini:

Wait a minute, 993.01 was enacted by Council on May 23, 1979 initially. That was the date the code was enacted. Oh, do you know what that amendment was—that was within 500 feet of a church and we changed the code, remember? It was just an amendment.

Mr. DePaquale:

I think we should bite the bullet and make a decision.

Michelle Madoff:

That's what we're going to do if we take a vote.

Mr. DePasquale:

Not us, the judge.

The Chair:

Let's take a vote. All in favor signify by saying aye.

EIGHT AYES, ONE NO. MR.
FLAHERTY VOTING NO.

Mr. Flaherty:

I am opposed because I believe that we are being spoon fed, or I am being spoon fed the reasons as to why I voted on a proposed ordinance two years ago. I just don't operate on Council that way.

Michelle Madoff:

I would like to explain my yes vote. I am voting yes because we voted for it before, and I would like to have it on the record that Mr. Danny Pellegrini from the Law Department did not do his job properly. This Council needs an attorney of its own so that they can meet and perhaps we can get information.

The Chair:

I would be less than fair, in view of those remarks, if I didn't respond. I think the city solicitor has done his job here, he is only trying to justify our actions with the change of the law. I don't think he's done anything improper, in fact, I think he's trying to support the decision of Council. For that he should not be smacked on the knuckles, but rather commended.

Michelle Madoff:

I would like to respond to that by saying that Danny Pellegrini admitted himself, and it is a matter of the record if you want to read it back, that yes, he should have kept us better informed and did not. He admitted his own inadequacy.

The Chair:

That is one problem of it, but that doesn't make him wrong on the decision.

Michelle Madoff:

My point is that this Council is entitled to legal counsel, we ought to bite the bullet and vote on that sometime.

(END OF MR. FLAHERTY'S REMARKS
ON BILL 3039, 6/8/83)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 5 NOES 2

(MR. FLAHERTY AND MR. ROBINSON
VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Woods presented

Bill No. 3213

Report of the Committee on Supplies for June 8, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3130

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants to aid the City in its minority purchasing program. Responsibilities of the Consultant or Consultants are to include staff training, minority vendor recruitment, and

purchasing procedure review aimed at increasing minority participation in the City purchasing program, the cost of which shall not exceed \$30,000.00 chargeable to and payable from Code Account 1128, Miscellaneous Services, Department of Supplies."

Which was read.

Mr. Robinson:

Mr. President, in line with some of my concerns in the area of minority business development, I'd like to offer an amendment to 3130. This amendment would replace the present Section 2 with a new Section 2, and the old Section 2 will become Section 3. I'm suggesting the inclusion of another section here.

The amendment would read: "The Agreement or Agreements shall require timely written reports at the end of each phase of the consulting and review process and a final report which shall be submitted to City Council."

Mr. Woods:

What length of time, Bill, on the final report? At the conclusion of the contract?

Mr. Robinson:

Yes.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

I have a couple comments, if I might, Mr. President, on 3130 as amended. I'd just like to indicate that I think that the \$30,000 figure is woefully inadequate to address this concern. While I recognize that it's limited to the

Supplies Department, certainly \$30,000 could probably be better spent by hiring an employee or two employees to try to implement our present Minority Business Enterprise Program in the Supplies Department, but if the Administration feels that this is the way they want to proceed, I certainly would not deny them their prerogative. I just don't think that that's the best way to do it.

Also, I'm concerned about the request for a proposal that was prepared to hire a consultant. I have been unable to determine the actual process that was utilized in hiring the consultant, and I think it is important for us to recognize that the credibility of our Supplies Department and the credibility of this Council is on the line relative to this whole issue of minority business development. I think we ought to try to find the best qualified consultants to do the job, and I have been unable to determine what process we utilize to come up with the consultant that the Supplies Department indicates they want to hire. This is in no way a reflection — my comments are not a reflection on the integrity or quality of service that will be delivered to us, but I just think for our own credibility we need to make sure that the request for a proposal process is one that affords us the opportunity to get the best qualified person to do the job.

Also, there was some suggestion by Mr. Jacoby that there was more than one proposal. Again, I have been unable to determine the validity of his statement that there were perhaps more than one party interested in giving us consultant services in this area. Again, for our own credibility I think we have to be cognizant of the fact that there are many people who can deliver services to the City of Pittsburgh, and in trying to find the best possible provider of service, we sometimes have to look among a wide

range of people.

I'm also concerned that the Supplies Department has been unable to supply this Council with the quarterly reports that we have been requesting for five years. In the face of that, they have asked us to approve \$30,000 to hire a consultant. Maybe if they sent to us the reports that we've been requesting, we wouldn't have to spend \$30,000 to hire a consultant. So, I'm concerned about that also, that we're going to spend \$30,000 based on the recommendation of the Supplies Department when that same Supplies Department will not forward to Council the required quarterly reports on this minority business program. It seems inconsistent, at least, but if this is the way the Administration wants to proceed, I'll certainly respect their prerogative in this regard.

Also, I think Council should be aware that the Administration has basically resisted any legislative initiatives that have come from this Council relative to minority business development. Outside the Mayor's Executive Order, there has been no support from the Administration for Minority Business Enterprise Program in the City of Pittsburgh. I think, again, the Administration is suggesting that we spend \$30,000 to hire a consultant to help us do something that we supposedly have been doing for five and one half years. Ordinance 28 and Executive Order No. 1 do provide the foundation of this program. The Mayor did not sign Ordinance No. 28; it went into law without his signature. So, the legislative initiative of this Council, the major one, does not have the support of the Administration. The two attempts that have been made, mainly by myself, to amend Ordinance 28 have been resisted by the Administration with legal opinions and comments from the Mayor suggesting that what we already have is

adequate. Again, this flies in the face of asking us to spend \$30,000 to hire a consultant? If what we have is adequate, why do we have to spend \$30,000 to hire a consultant. But if the Administration wants to follow along with the initiative, I certainly won't try to stand in your way.

I am also concerned about the role of the Human Relations Commission. The City Charter is rather specific that the Human Relations Commission does not have any responsibility in the area of minority business development. Yet the Mayor's Executive Order No. 1 has given them responsibilities in that area. I think we need to clarify that kind of quickly, particularly in face of the fact that there is a bill that I introduced into Council to give to the Human Relations Commission the very power that the Mayor has given to them by way of Executive Orders. As I understand the Charter, we would have to give the power to the Human Relations Commission by way of legislation, not by way of Executive Order. But, again, there seems to be some inconsistency in the Administration's position on minority business development, at least their spoken position, and what is being actualized.

Also, Council should be aware that the Controller's Office, on the suggestion of this Council by way of resolution, is supposed to be auditing all City departments in all units of government relative to the Minority Business Enterprise Program. Again, I want to relate this to the Supplies Department wanting to spend \$30,000 to hire a consultant to work with Supplies and the Controller's Office. I think after five and one half years that this City probably has enough on the job training and in-house developed expertise that we could do the job that we're going to pay \$30,000 to a consultant to do. But if the

Administration wants to follow along this initiative, I certainly won't stand in their way, but I think Council ought to be aware of some of the other surrounding facts to bringing about this consultant contract.

Also, I'd just like to make a couple comments, if I might, on what I hope will come from this consultant effort. I think we ought to be very careful that as we develop this contract that we make sure that our consultant is going to give us something that we can use, some specific request, some specific suggestions that we can utilize to enhance our program, not simply advice. We've had a lot of advice from a lot of very competent people.

In the area of staff training, unless we're going to keep this consultant around forever, we're going to have to at some point train our staff to carry out the Mayor's Executive Order and Ordinance 28. That means that the people in the Supplies Department are either going to have to be hired or trained to make sure that our Minority Business Enterprise Program is in place. And I would hope as this contractual relationship is worked out that that point is in there also. I've already mentioned about the timely reports.

In closing, let me just say that I hope that no one feels that by simply hiring a consultant and getting the consultant's blessings that whatever we do in the future is okay. I would hope that anyone who is involved in this process would take it serious and would understand that those of us who believe that minority business development is in the best interests of the City take it serious and that we do not believe that simply hiring a consultant or simply making empty promises is going to solve this problem. I hope to be able to monitor this process, I hope that the

Supplies Department will be kind enough to allow me to review some of the progress in this area, and I certainly will continue to ask the Supplies Department for those quarterly reports which they have not sent us, and I will continue to ask them to live up to their part of the bargain around making minority business development real in this City.

Thank you, Mr. President.

Michelle Madoff:

You know when you don't want to do something, you study it. I think your point is very well taken, Mr. Robinson. When the Administration came to us and said, my God, we didn't know that we weren't meeting our commitment of 15 percent, it was only .06 and they were shocked after a number of years, how can we vote to study it? Why don't we vote instead to take the \$30,000 and hire somebody qualified to walk through and monitor and represent perhaps this Council? We have some funds to see that the duties as charged under the laws are adhered to, because you're not going to get any more. You're going to go along with the Administration. You hope you'll get the reports. You haven't got it for five years. What makes you think you're going to get them now? And when they come to us and say, oh, we didn't know, we're embarrassed, oh, we're so thunderstruck with only .06 percent, let's hire somebody to do the job.

Mr. Flaherty:

I concur with what Councilman Robinson has said for the most part, but I feel that the heat is now currently on the Administration in regard to their lack of having an equitable minority involvement program for hiring and for the awarding of City contracts. I am in opposition to this bill because I think it is simply a P.R. move which is going to give the

Administration some relief, perhaps some room to breathe; and I don't think we should give them that relief, because I think that if we keep the heat on them, then we will see some substantial change.

I, of course, am not a black person, but I think that I certainly have some sensitivity or I try to have some sensitivity to the needs of black people; and I see this proposal to a certain degree as insulting, because what we are saying is that we have to have a consultant tell the City how we are going to hire or how we are to have black people involved in the awarding of contracts. We certainly don't have a consultant to tell us how to hire white people, and so I'm also opposed to it for that reason, but finally the hiring of blacks or enhancing minority involvement in the contractual processes of this City is not a professional decision or it is not a decision which involves a specific expertise. It is a political decision, and you can have all the consultants that this Council will deem or that the Administration will deem and we can put a lot of gingerbread on this subject, but we will continue to have the problem if we don't have people of political courage that are willing to handle a very sensitive problem, and that is of having equitable participation for a sizable percentage of our constituency in the business of City Hall.

I think that the Administration had six years to work on this problem; the results are dismal, they are a disgrace, and I don't think that is because of the want of any expertise. I think that is because of a want of an interest and an attitude and a certain degree of political courage.

Mr. Woods:

I'm for this bill for one simple reason. What they've doing for the last five and a half or six years hasn't worked, so somebody's got to come in and show them how to do it, and \$30,000 isn't any great figure to have that done. As far as these quarterly reports, I realize they have never been done like they were supposed to be, but we just got one, what is it, two months ago, and that's why we came up with these dismal figures and finally realized that they weren't doing what was proper. So they are going to start, and the first one is what brought this whole thing to light, made an issue out of it.

Michelle Madoff:

That took five years, Mr. Woods, —

Mr. Woods:

I'm not saying —

Michelle Madoff:

— for Mr. Robinson to try and get that information.

Mr. Woods:

Michelle, can I get done?

Michelle Madoff:

I'm sorry.

Mr. Woods:

I'm not saying what they did is right. I'm saying what they did is wrong, and after Mr. Robinson kept screaming for these reports, he finally got it two months ago. We got it as Council two months ago, and that's what brought this whole issue to light. So if they've been doing it wrong and no one there knows

how to do it right, then that's why they're hollering to hire a consultant to come in and say here's how it's supposed to be done; and that's why we should vote in favor of this thing and not against it.

Mr. Flaherty:

Mr. President, I should also want to add that if we do hire a consultant, then we are going to have somewhat of a breach as far the public accountability, and it's very easy then in the future to hire a consultant once again of the Administration's choice; and when this problem continues to arise, then the responsibility or the burden will put on the consultant, and I don't think the responsibility or the accountability should be shared by anyone other than the elected public officials of this City. So, I also view it from a tainted perspective and that it's a shrewd political move to put the onus to put the scapegoat on some consultant in the future.

Mr. Woods:

Mr. Chairman, if I may, we just approved consulting for indirect cost schedule submission through the federal government. We just approved that we have people, expertise in our Finance Department that should be able to that. We just approved that. Everyday in this Council we approve consultants to look at bridges. We probably have — our Public Works has more engineers down there, and that's all they deal with is bridges, but everyday this Council, these same members that are objecting to this bill vote in favor of consultant for that, consultants for road work, consultants for sewers, for water lines. We do it everyday here. This is a joke. You people are actually making a joke out of this one little issue.

The Chair:

If I may, ladies and gentlemen, I didn't to turn this into a debate, now. Michelle, if you have a short comment, we're going to get on with the voting, because you've already spoken.

Michelle Madoff:

Mr. Woods, with due respect, the one thing that this esteemed body has never done is vote for a fiscal advisor for this Council, and if we had it, you wouldn't be sitting there right now saying we vote for them for everything else. Frankly, this bill ought to be resubmitted and sent back. Give us a person to do the job as opposed to a consultant. We know how to do it, you know how to do it, I know how to do it, everybody in that office knows how to do it. Let's just hire a person to do it.

Mr. Flaherty:

I am opposed to 3130. To reiterate, I think it's a quick fix, and if you want equitable minority involvement, then you hire competent personnel. It is strictly sloughing off a very important political decision. It's important to keep in mind that to involve minorities in the business of City Hall employment, of City Hall is indeed a very sensitive issue because you're oftentimes nearly everytime dealing with powerful white interests, and it's about time that someone in this City start to tell some of these interests that there's going to be little bread and a little bit of equity for everyone; and that's all it takes if you want a real program, not some consultant that you're going to give a meager \$30,000 to.

Mr. Givens:

I vote aye.

Michelle Madoff:

No.

Mr. O'Malley:

I'm going to vote no also, and just one quick comment that even if George Jacoby is relatively a new director, I think it's his responsibility as director of that department to make sure that the minority programs, purchasing program is implemented, and if that's not in Mr. Jacoby's job scope, if that's certainly not in his qualifications, then I think we should be looking at the director. I don't think the program, to implement that program, is any enormous task that can't be overcome by Mr. Jacoby or somebody in his department just by Mr. Jacoby giving directions and leading the way and saying this is the program, it's the law, it has to be implemented. I think it's a waste of money to spend the \$30,000. If we had to spend the \$30,000, I'd prefer to spend it to hire an expert, a permanent expert to work in the Supplies Department. I vote no.

Mr. Robinson:

I'm going to vote aye, and I'd like to explain my vote on 3130. To say the least, this is a political issue. I don't think anyone should walk away from that. As someone who's been in the middle of this issue, I have mixed feelings about 3130. One of the main reasons I'm voting for 3130 is that this bill represents one of the few times since I've been a member of this Council that the Administration has taken a bold move to hire a minority expert to do anything, and I find that it would unconscionable at this point for me not to support that kind of effort. It's too little and it's too late, but I'll support it because it represents one of the few times that this Administration has reached out and used its power to hire

minority experts by way of a consultant contract.

This contract was awarded because this is the company the Mayor wanted. This is exactly the company he wanted; everybody ought to understand that, the company the Mayor wanted. We ought to say that here so that when other folks start saying it, we'll know that we know that this is who the Mayor wanted. Fine, that's his prerogative. Also, I think that because I have been continuing to ask the Administration to sit down and to cooperatively discuss minority issues, that it would be inconsistent for me now to do what I feel they have done to this Council, and that is basically slap us in the face when it comes to cooperating on this issue.

This bill is not the product of a cooperative effort. This bill is a product of a reactionary effort. You're right, Mr. Flaherty, in that regard. I think this bill is simply a reaction to Councilman Robinson and some others asking for equity and parity in this City for minorities, and I think it is a half-hearted attempt, but yet it is an initiative the Administration feels comfortable with, and I certainly am willing to give them another opportunity to do what they feel is right.

Also, lastly and perhaps as important as the rest, as Council is aware, there are three bills that I have introduced before this Council that are still pending. One of those bills is 2543 which would establish a Minority Business Opportunity Commission. That bill is still alive and well in the face of the Mayor's objections to it and the City Solicitor's objections to it, and I hope that somewhere along the line with the appropriate amendment that this Council will see fit to pass it. Also, there is another bill which would give to our Human Relations Commission the power

to implement Ordinance 28, which deals with minority business development. That bill is still alive, and there is another bill which would give to the Human Relations Commission the legislative power to coordinate all of our M.B.E. programs.

All three of these bills are designed to bring about some sort of equitable M.B.E. program in the City. Because those three bills are alive and the other two things I said, I'm going to support 3130 with some serious reservations, but I'll support it.

Lastly, I'd just like to indicate that the two bills that give to the Human Relations Commission additional powers will be back in committee on Wednesday. I'm going to ask Council to hold those bills and to forward to the Commission a copy of both those bills to get their input so that we can cooperate to make M.B.E. a reality in this City. The Human Relations Commission just recently selected new officers. They have a new chairperson and other officers. Hopefully, these bills will be welcome at least in terms of giving them some serious consideration. Having said all that, I'm going to reluctantly support 3130.

Mr. Woods:

I vote aye, and I would please like to ask my colleagues who voted no to change their vote before it's over, at least one of you, so we pass this. It is something, just like Mr. Robinson said, it's something.

Michelle Madoff:

I would consider passing it if you would put a due-date on it and we get a report back when that person would be hired and a consultant would come back with a report.

Mr. Woods:

It's already being amended.

Michelle Madoff:

But we won't get that.

Mr. Woods:

Michelle, Mr. Robinson had already amended the bill so there will be reports quarterly and then a final report.

Michelle Madoff:

We've never got them. We've always had it. We've never got the report.

Mr. Woods:

It's in the bill.

Michelle Madoff:

But we've always had that in the bills.

The Chair:

Let's conclude the voting, and if somebody wants to change their vote, they can do just that.

Mr. Woods:

I vote aye.

The Chair:

Well apparently the vote at this point is beaten. I'm going to vote aye, and I would like to say that if we're saying, some Council members, if the Administration made no previous effort for minority participation, they are now making an effort along those lines even though it's a bit costly one, and we're saying no, we're not going to let them do

it. I really don't understand that. I'd have to agree with Mr. Woods and Mr. Robinson to a certain extent that it's better than nothing, and if they were doing nothing before, at least they're trying to do something now. So, I will vote aye, but apparently it's going to be a defeated bill unless somebody changes their vote.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Woods
Mr. Robinson	Mr. DePasquale (Pres't)

AYES 4 NOES 3

(MR. FLAHERTY, MICHELLE MADOFF
AND MR. O'MALLEY VOTING NO)

Michelle Madoff:

The bill doesn't pass, then. You need five votes.

The Chair:

You need five votes.

Parliamentarian:

Council rule says, "When any bill, upon its final passage, receives the votes of a majority of the members of Council present, but not a majority of those elected, such bill shall be considered as laid upon the table, and may be called up for further action, at the same or any

subsequent meeting of Council."

Michelle Madoff:

Does not pass now, right?

The Chair:

No, but it's tabled due to the fact that there aren't nine members present.

Mr. Flaherty:

Point of information, Mr. President.

Michelle Madoff:

Why doesn't it apply other times?

The Chair:

Wait, Mr. Flaherty. If I understood you, the bill carries as far as the seven, but it cannot be a legislative bill because there were not nine members present, and we need five out of nine; but due to the fact that there isn't a full Council, we can't table the bill, or the bill is tabled?

Parliamentarian:

Five-two it would pass.

The Chair:

That's what I'm saying. We needed five votes to pass. You're saying due to the fact that there weren't nine members present.

Parliamentarian:

No.

Mr. O'Malley:

He's saying due to the fact that there's only seven members, the majority

of those seven members voted in favor of the bill, that bill is automatically tabled; and when there's a full quorum, they can bring the bill back on the table.

The Chair:

That's exactly what I'm saying. The fact that there are not nine members present is the reason we can table it.

Michelle Madoff:

How come that rule hasn't applied in other times? I'm sorry, where were you on other bills?

Mr. Flaherty:

Yes, yes, who asked for an opinion? Who asked the Solicitor for an opinion? I've been on this Council —

The Chair:

Regardless of who asked, Mr. Flaherty, it was asked and he gave it. You're saying now the bill is tabled.

Mr. Flaherty:

No, I've been on this Council four years and never once has this Solicitor said anything in regard to any other proposals. Now, why did you stand up today and try to defend this Administration's proposal?

Michelle Madoff:

Because he hired him.

Mr. Flaherty:

Who asked you for your opinion today?

Parliamentarian:

As a rule of Council.

Mr. Flaherty:

Well, why didn't you say something in the past four years on this Mr. —

Parliamentarian:

I've never seen this situation before.

Mr. Flaherty:

You just saw it today?

Parliamentarian:

I've never seen such a situation until now.

The Chair:

Well in all fairness, Mr. Flaherty, Michelle asked —

Mr. Flaherty:

There have been many bills that have been defeated in this Council, and you have never in the past said anything about those bills being tabled. Those bills were dead for all practical purposes, and who asked your opinion today?

The Chair:

Mr. Flaherty, if I may, Mr. Parliamentarian, Michelle Madoff asked for an opinion, and the opinion as far as I'm concerned stands, because that is the law.

Michelle Madoff:

Michelle Madoff did not ask for an opinion.

The Chair:

One that was asked — yes, you did. — You referred to the

Parliamentarian.

Michelle Madoff:

No, I did not. I most certainly did not. As a matter of fact, I'm very chagrined.

The Chair:

Your statement was, does the bill carry.

Michelle Madoff:

I was asking you that.

The Chair:

And the Parliamentarian answered. You didn't ask him directly.

Michelle Madoff:

My question to you, sir, was did we have five votes, and if it was four votes, it obviously didn't carry; and the point that I'm chagrined at, Parliamentarian, is many times I have been on the end of the vote when it was four-two, and nobody ever said my bill was tabled and we can bring it up again.

Mr. Flaherty:

This is another reason there is a lot of favoritism from the City Solicitor's Office in this Council and it's blatant right on TV today.

Michelle Madoff:

And we better get our own solicitor for this Council and fast.

The Chair:

The bill is tabled.

Mr. Givens:

Point of clarification.

The Chair:

Are you on the bill?

Mr. Givens:

No, I said for point of clarification, and what has been discussed here today, the fact remains that this Council acts under Roberts Rules of Order. As long as there is a quorum here at any meeting, even though we haven't acted that in the past, we are still under Roberts Rules. So as long as five people are here, you have a quorum, you can continue on with the meeting, and that vote, although it might not be a final vote, then, would be tabled as our legal counsel so indicated.

The Chair:

Mr. Givens, the only statement I can make, and I'm not taking any sides here, the 12 years that I've been on this Council I've always been under the impression that a majority of five carries on a bill, regardless if only five Council members were present. Now, the fact that the Parliamentarian brought it up that we can table this bill, it's according to parliamentary law, and I don't see how we can change it, but whether he was asked to give an opinion or not, he gave that opinion, but in the past, apparently no one ever asked for an opinion. It was assumed that five were needed. Now the Parliamentarian is telling us that five votes aren't needed when there's only seven members.

Michelle Madoff:

Mr. President, with all due respect, how long have you been here?

The Chair:

I'm on my twelfth year.

Michelle Madoff:

Okay. Has this ever happened before? How often have we gotten a four-two vote? The Parliamentarian never spoke up then. I think it's a disgrace.

Mr. Flaherty:

I mean, is this taken for granted, then, that every vote that is defeated in this Council is automatically tabled?

Mr. Woods:

No. That's why, Tom, Mr. President —

Parliamentarian:

The rule says if you have a majority vote in favor of those present, okay, but not a majority of those elected, which is five, then it becomes tabled; that's what the rules are.

Mr. Flaherty:

Then there are quite a few other bills that are tabled that we are not aware of in the past.

Michelle Madoff:

Mike, would you dig up all my bills when we had —

The Chair:

In all fairness, there haven't been that many bills, Mr. Flaherty that were defeated, but you make a good point. There were some bills that were defeated that didn't have a full Council vote, so apparently, they should have

been tabled.

Mr. Woods:

Mr. President, can I ask the Parliamentarian one question? If this bill would have had a negative recommendation today, and it would have come out four-three, would it also have been tabled or would it have been dead?

Parliamentarian:

Well, you have a negative vote of four against three. It would have been dead.

Mr. Woods:

No, no, you misunderstand. If you'd have come here today with a negative recommendation, but the vote would have come out the same, four in favor and three against, would it have been tabled then, or would it have been defeated?

Parliamentarian:

The negative recommendation is the action before the committee. When you come up here, you vote it up or down.

The Chair:

The committee meeting has no bearing on the final vote.

Michelle Madoff:

Excuse me, I did not get an answer. Mr. Perry, would you please dig up every bill when we did not have nine members of Council, seven, where my bills have been defeated four-three, four-two, and I want them put back on the table.

Mr. Flaherty:

Including district election from two years back.

Michelle Madoff:

No, only five years back. You don't have to go more than five years. Well, I've only been here five years.

Mr. O'Malley:

Mr. President, I have a question for the Parliamentarian. Do we follow the same procedure now that we do for any bill that was tabled, it will come up in the Wednesday session if the motion's made to untable it, and there's a majority of five votes, we untable it at a Wednesday session, discuss, and then bring it up Monday for a final vote?

Parliamentarian:

The rule says that it will be called up for further action at the same or any subsequent meeting of Council.

Michelle Madoff:

Is this a new Robert's Rule that just sprang out of the head of Zeus?

Parliamentarian:

It's Council's rules.

Michelle Madoff:

Then why have we not obeyed Council's rules?

Mr. O'Malley:

Because nobody ever read Council's rules, Michelle.

Michelle Madoff:

It doesn't really matter, because what we have is Robert Rade's rules. We don't have Robert's Rules. They apply whenever we feel they should apply.

The Chair:

The bill stands tabled.

Mr. Flaherty:

Well, wait a minute. Isn't the bill defeated?

Michelle Madoff:

No, they're going to bring it up again.

The Chair:

The bill is tabled, Mr. Flaherty. The Parliamentarian gave his ruling.

Mr. Flaherty:

What does it take to defeat a bill?

Parliamentarian:

Five-two negative.

Mr. Flaherty:

It takes five votes to defeat a bill you're saying?

Mr. O'Malley:

The majority of those present, Tommy, defeats the bill. The majority of Council people present defeats the bill.

The Chair:

No.

Mr. Flaherty:

Well, the majority here voted to defeat the bill.

Mr. O'Malley:

No. It was four-three in favor of it. If it was four-three against it, it would have went down to defeat.

Parliamentarian:

Yes.

Mr. Flaherty:

Put it in writing. I'd appreciate it.

The Chair:

Parliamentarian, Mr. O'Malley brings up a good point. If it would have been four to three against, are you saying then the bill would have been defeated?

Parliamentarian:

Defeated, certainly.

The Chair:

It would not have been tabled even though there wasn't a five majority. That's the question.

Parliamentarian:

It would have been defeated.

The Chair:

We're only talking about in the affirmative, not in the negative. The bill is tabled.

And a majority of the votes of Council not being in the affirmative, the bill was tabled.

Michelle Madoff presented

Bill No. 3214

Report of the Committee on Water for June 8, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3115

A Resolution entitled, "Resolution amending Resolution No. 94, approved February 3, 1983, entitled: 'Providing for a Contract or Contracts for the Relay of Water Lines and Appurtenances in Various Locations; and providing for the payment of the cost thereof,' by reducing the appropriation therein."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3215

Report of the Committee on Public Safety for June 8, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3119

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Stadium Authority, City of Pittsburgh, for the provision by the Department of Emergency Medical Services of Paramedic Services at certain events; providing for reimbursement of the City of the cost thereof; and authorizing the deposit of funds received into the 'EMS Reimbursement Trust Fund.'"

Which was read.

Mr. Givens:

Aye, Mr. President, I believe this bill would help us have our Emergency Medical teams on standby alert at our major events in our stadiums and downtown areas where I think we need them, University of Pittsburgh, etc.

Michelle Madoff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Mr. President and Members of Council, I'm going to vote aye on 3119,

but the record should reflect my continuing concern that in the City of Pittsburgh we have legislation that mandates that Civic Arena, stadium, Pitt Stadium, that they have their own emergency medical services available. I share Mr. Stone's concern that we are stretching ourselves very thin trying to provide emergency medical services to those who recognize they need it, 50,000 people at Pitt stadium or 50,000 people at the Civic Arena or wherever it might be, I think deserve to have some emergency medical services, but I'm not sure that it's our responsibility to provide it. These are money-making institutions that we are being asked to service, if not money-making income-generating and I think emergency medical services is a responsibility that they should carry themselves, and I would hope that in the future Council would entertain some legislation to mandate that entities such as the University of Pittsburgh, the stadium, the Civic Arena provide their own emergency medical services. Thank you.

Michelle Madoff:

Excuse me, could we get an answer from Mr. O'Malley to that?

Mr. O'Malley:

Yes, I'd like to if I could interrupt here for one minute. First of all, we do provide E.M.S. services for Pitt and for the Civic Arena, and hopefully we're going to provide them for the stadium, that we are reimbursed for those costs.

Second, the reason that we're requesting Pitt and the stadium to use our paramedic services when in the past they have hired outside E.M.S. services, different borough or outside the City of Pittsburgh, what would happen in case of an emergency, paramedics not belonging to our E.M.S. services would provide the

care for the patient inside the stadium or inside Pitt or inside the Civic Arena; and many times they were afraid that the wrong diagnosis would be called by inexperience of paramedics outside the City of Pittsburgh and then transferred from the Civic Arena to the hospital by our E.M.S. services and a lawsuit could incur, and there was a question, would the liability fall upon the paramedics at the scene or our paramedics who transported the patient? So we're hoping to avoid the liability in the future, the lawsuits should they occur.

Michelle Madoff:

Excuse me, Mr. President. Wouldn't it thence be logical that we expand our paramedic service by assessing the entities that we serve, and then they would be under our jurisdiction, we would expand the numbers of people, and we would give the service? At least we'd be getting reimbursed and we'd have our people standing by to service the City residents as we now do and not deploying them and weakening the service.

Mr. O'Malley:

Well, we're expanding our paramedics this year by 13. Four units we are expanding this year.

Mr. Givens:

The money for these agreements will go back not into the general fund, Mr. President, but to the emergency medical trust fund itself. All we're doing is expanding that service to cover areas where there is a lot of excitement and in many cases many people have heart attacks apparently, and that the critical thing that you must move in on very quickly. Two, three, four, five minutes is a calamity.

Mr. Robinson:

Mr. President, it seems to be that the real issue is whether or not we're going to accept the responsibility, a responsibility that is recognized by someone else as being their own. The Stadium Authority, City Arena, University of Pittsburgh and others that have large crowds I think recognize that some emergency medical services ought to be provided. The question is whether or not we should provide the service, whether they're reimbursing us or not. That's one question. I don't think we should.

Second of all, as far as the quality of the service rendered, I think that legislation would be appropriate, if not at this level, at the state level, to make sure all persons rendering medical assistance are indeed qualified. I would hate to think that our paramedics believe that paramedics from some surrounding community are incompetent simply because they're from a surrounding community. You don't have to be a doctor to diagnose a person has a broken bone, but certainly to set that bone you would want a doctor to do it, but a doctor doesn't have to set the bone. Someone who knows about it can set it. So I think the issues around professional competency certainly can be handled by requiring some minimum standards for people to be paramedics who are operating in the City of Pittsburgh.

That is another issue and I don't think one that should prevent us from addressing the larger issue, and that is whether or not we ought to take our City forces and use the City's time and expertise to provide a service that appears to be clearly the responsibility of the person that's requesting us to provide it. The Civic Arena, the University of Pittsburgh and others ought to provide their own services. When

indeed there is an accident within the Civic Arena, there are nurses available. When indeed something occurs at Pitt Stadium, there are medical people available. When athletes are hurt at the stadium or athletes are hurt at Pitt Stadium, they don't call on the City of Pittsburgh paramedics. They have their own doctors, they have their own medical personnel, because they recognize that that type of service goes along with the business.

I think we ought to put the onus squarely on the shoulders of the Civic Arena, the stadium, the University of Pittsburgh and others that are going to have large crowds and say to them you will provide emergency medical services and those persons will be competent, certified and qualified.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3216

Report of the Committee on Lands and Buildings for June 8, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3105

A Resolution entitled, "Resolution amending Resolution No. 1356, effective December 31, 1982, which presently reads: 'Authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in various wards of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$36,500.00 as hereinafter setforth', by changing purchase price from \$36,500.00 to \$36,510.00 and changing a portion of Section 1."

Which was read.

Also,

Bill No. 3106

A Resolution entitled, "Resolution providing for a License to Tom Mistick & Sons, Inc. in connection with site improvements on City property adjoining 1130 W. North Avenue and No. 37 Fire Station, 21st Ward."

Which was read.

Mr. Woods:

Bill 3106, I wonder if somebody could help me. Why are we licensing Tom Mistick & Sons to do site improvements on City property? I don't quite understand why — this is the first time I've ever seen something like this. Could somebody help me out here?

Michelle Madoff:

Tom's not in the room. Do you want to hold it? He's coming back. The question I have, more than anything else, is, I never see anybody in that area except Tom Mistick; and the last one I think was \$9 million to rehab some properties.

Mr. Woods:

Well, this is City property.

Michelle Madoff:

Here he is now. There aren't any other people unemployed that could be doing what — license to Tom Mistick & Son. Why are they getting a license?

The Chair:

Isn't this the order for a permit that would be issued by Building Inspection? I would think that it's somewhat of a building permit.

Mr. Woods:

What does it mean, Tom, license? I've never seen anything like that before. That's why I asked. Why it would come to us? Why don't they just get a building permit?

Mr. Flaherty:

I can't answer it. I'll hold it for a week. I don't have any problems holding it.

Michelle Madoff:

While you're at it, find out why Mistick gets all the work. He's got a \$9 million contract over there.

Mr. Flaherty:

You'll have to see the Mayor about that.

Michelle Madoff:

I know, but there are a lot of other people that could use the work.

Mr. Flaherty:

I agree.

Michelle Madoff:

I'll be happy to sub-contract some of it. You can't make any money on Council if you're honest.

Mr. Flaherty moved to recommit Bill No. 3106.

Mr. O'Malley seconded the motion.

Mr. Givens:

I oppose that.

Mr. Woods:

Can you tell me why, what that means?

Mr. Givens:

The man does good work down there. He's an individual that expended

much of his wealth into an area that no one even wanted to do anything in in many, many years.

Mr. Flaherty:

Well that's not the issue. We're talking about a license.

Mr. Givens:

I know it is, but I mean there are innuendos that are made by the Council people, and I don't appreciate it, because I think this individual has done much down there to turn that particular area of our community around.

Michelle Madoff:

That's like saying no one should do any more work for the City except Mellons because they helped or the Fricks because they helped get the industry started.

Which motion prevailed.

Also,

Bill No. 3108

A Resolution entitled, "Resolution amending Item H of Resolution No. 1210, approved November 21, 1980, which authorized the sale of property in the 12th Ward, being a 2 Story, Brick house located at 6810 Frankstown Avenue, designated as Block 125-G, Lot 76, to Robert Lee D. Bruce, for the sum of \$1,500.00."

Which was read.

Also,

Bill No. 3109

A Resolution entitled, "Resolution amending Item E of Resolution No. 254,

approved April 20, 1983, which authorized the sale of property in the 27th Ward, being a vacant lot on Frederick Street, designated as Block 45-A, Lot 271, to Michael Ehrenberger and Sharon M. Ehrenberger, his wife, for the sum of \$300.00."

Which was read.

Also,

Bill No. 3110

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Malley presents

Bill No. 3217 WHEREAS, Father Ronan J. Deegan, Pastor of St. Agnes Church, Oakland, celebrates his 25th Jubilee of Priesthood; and

WHEREAS, a Eucharistic Liturgy of Celebration will be held at St. Agnes Church on June 12, 1983; and

WHEREAS, since his Ordination, Father Deegan has had various and sundry assignments, such as: Dean of Admissions at Steubenville University; Superior at Mount Assisi Monastery in Loretto; Novice Master for the Province in Winchester, West Virginia; and Pastor of St. Agnes Church for the past seven years; and

WHEREAS, Father Deegan is also involved in the Ancient Order of Hibernians, and serves as Chaplain of the A.O.H. Auxiliary No. 11, where much of his day is spent feeding the poor and working with troubled souls; and

WHEREAS, Father Deegan's concern for spiritual well being has enriched the lives of many.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby join with the many friends of Father Ronan J. Deegan in congratulating him on his 25th Jubilee of Priesthood and sincerely thank him for his dedication, devotion, and love for his fellow man.

Mr. O'Malley moved to adopt the Resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens:

I'd like to say, Mr. President, that our Chief Clerk had a little bit of Irish twang there when he mentioned that A.O.H., and I would like to make a comment also, if I might, Mr. President, on Father himself. He is very active in the Irish community, and not only that, but the goodness that he expounds upon in that particular ethnic group is something that is why he is being honored here on his 25th Jubilee as a priest within the City of Pittsburgh and the surrounding communities of Pittsburgh.

Wherein the A.O.H. is one of the largest auxiliaries in this particular area, and it's one of the largest Irish ethnic institutions throughout the United States in which we have many members from Allegheny County that have been past local, state, and national presidents.

Mr. Robinson presents

Bill No. 3218 WHEREAS, the Council of the City of Pittsburgh and the Human Relations Commission, City of Pittsburgh, have taken strong objection to the United States Department of State granting authorization for the establishment of an Honorary Consulate in the City of Pittsburgh to represent the Government of South Africa; and

WHEREAS, the City Council, by resolution, requested the closing of the Pittsburgh Consulate and others in the United States; and

WHEREAS, the United States Congress is considering concurrent Resolution No. 42 introduced by the Honorable William J. Coyne of the Fourteenth Congressional District, Pennsylvania, to request the State Department to reassess its position on South Africa and the authorization of

Honorary South African Consulates in the United States and the City of Pittsburgh; and

WHEREAS, the Congress of the United States now has before it House Bill No. 1693 and House Bill No. 1083 both of which propose to restrict the United States of American from furnishing financial assistance directly or indirectly to any government which practices apartheid.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of its citizens, does support the concepts and general intent of concurrent Resolution No. 42, House Bill No. 1693 and House Bill No. 1083 and related legislative efforts in the Congress of the United States to oppose countries practicing apartheid.

Mr. Robinson moved to adopt the Resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson presents

Bill No. 3219 WHEREAS, much of the housing in Pennsylvania cities, such as Pittsburgh, was constructed prior to 1950 and therefore is in need of rehabilitation and/or is vacant; and

WHEREAS, a significant number of our citizens are having a difficult time in securing adequate, safe and sanitary housing; and

WHEREAS, a high proportion of housing, especially in cities, is blighted and deteriorated and in need of restoration; and

WHEREAS, the active effort to encourage the rehabilitation of such deteriorated housing through home ownership with incentives for restoration of such housing will benefit the tax base and neighborhoods of our cities; and

WHEREAS, the City of Pittsburgh has established an Urban Homesteading Program by way of legislation embodied in the City Ordinance No. 29 of 1982 and City Ordinance No. 40 of 1982.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh strongly supports efforts now being initiated in the General Assembly, Commonwealth of Pennsylvania, to pass state legislation to create "a homesteading and rehabilitation act" which would function to encourage purchase of such dilapidated and/or vacant housing within cities by individuals who would promise to restore such housing to meet city code enforcement and public safety standards.

Mr. Robinson moved to adopt the Resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Michelle Madoff:

Bill, is this for the person to purchase and fix up for someone else as a business or only where the person has to live in it themselves?

Mr. Robinson:

The emphasis of the Urban Homesteading Program is for the purchaser, not only the owner of the property, but the person who would live in the property.

Michelle Madoff:

All right, that's not in here, and I just wanted to mention that. Because I think that it would go a longer way and be productive to have anybody who would like to who could make some low-cost housing available, because very frequently the people with the least money don't have the imagination or have had the exposure to do the job; and this is something I've been talking about for five years where the City takes some of the property, get some contractors to go in, do it in volume, buildings, do some modular construction, rehabbing, and make those houses available at a low rate. This bill is somewhat redundant. I certainly support it, and I don't see any dollars. Will there be dollars to back up this bill?

Mr. Robinson:

There are some legislative initiatives in the House of Representatives to create an Urban Homesteading Act at the state level. This Resolution is designed to give support to that effort, but at the same time, to give our legislators some lee way in developing the program. As everyone at this Council table is aware, urban homesteading, aggressive urban homesteading is a somewhat controversial issue, and I think our legislators should be given an opportunity to hear from all concerned that at least know that in this City we have been in the forefront like Philadelphia in trying to do something; and I certainly did not want to presume to have more knowledge of the subject than our state legislators, both Senator Street, who is the Chairman of the Senate Urban Affairs Committee, and Representative Richardson, both of whom are from Philadelphia. Representative Richardson is in charge of the House Urban Affairs Committee, has some concerns in this area, and I

have great confidence that the two of them will make sure the bill is designed to help low and moderate-income people and address the concerns that you have; and as they begin to shape some more definite proposals, I certainly will come back to Council and ask for Council's support for those specific proposals.

The Chair:

There's no doubt it should be expanded, but at the same time, we can't very well go get their resolution. What's there is there. We have to support what they have.

Council has brought up time and again that their office facilities aren't enough or adequate and they would like to see them expanded. In that respect, I would like to appoint a committee of three to look into that matter. I would like to appoint Mr. Ben Woods as the Chairman, Mr. Robinson, and Mr. O'Malley to assist and work with him and to come up with a program that we present to the Chief Clerk and he can then present to Lands and Buildings, and hopefully, you'll get the expansion you've been asking for all these years.

Mr. O'Malley:

You have a committee of three headed up by Councilman Woods?

The Chair:

Right, Chairman.

Michelle Madoff:

I would go on record that Michelle Madoff now has adequate space, because we took over the next room.

Mr. Flaherty:

Yes, Mr. President, on to another

item. I'm am sure that everyone recalls that at the public hearing last Thursday on the proposed Warner rate increase, Councilwoman Michelle Madoff had asked of Ted Campbell, who is the President of Warner Cable, what his salary was, and he asked not to answer that. I subsequently had followed that question up and said that I thought that it was simple, essential information. I have to say that I was somewhat surprised that Warner has refused to give any information regarding the salaries of any of their employed. It was also brought out at that hearing that shortly after they were awarded the contract, they had submitted that information a few times to the Cable Advisory Committee but since have ceased.

In questioning Brother Emenecker, he said that Warner would have to provide the information if Council in form of a motion had asked for it. I think it's very important to keep in mind that this Council is empowered, as we are all aware, to regulate the rates of Warner Cable; and since salaries make up over a third of the operating expenses of Warner Cable, I think that it's very important that Council at least have the basic information as to what those salaries are.

We had heard Warner in a very amorphous way refer to some cost cutting that they had invoked, and I think that it's crucial in one respect that Council know those salaries if we are going to have any frame of reference for the benchmark to decide if there has been any cost cutting or for that matter if we can adequately decide on the rate increase issue as a whole without this essential information.

I know that salary information is known to all the board members at any P.U.C. hearing. In fact, that is one of the first points of information requested

from any utility company or corporations which are regulated through the state. In fact, I can't recall any regulated company other than Warner ever appearing in front of the federal government, the state government, or in our opportunity, in City Hall, refuse to give this information.

I think it is certainly unprecedented on all the levels; and I think that if Warner is coming in front of this Council and asking us to weigh a proposed 20 to 30 percent rate increase in good faith, I think they should return that attitude to this Council. Therefore, I move that Warner Cable provide to this Council the salaries of its 400 employees; and I would want to add it's in the Home Rule Charter where all trusts, authorities, and agencies annually have to provide this Council, for example, the Housing Authority, Alcosan, and numerous other authorities, the personnel and the position and the salary of all the individuals on their respective payrolls; and so I think it is very important that if Council is going to have the most basic handle on handling any rate increase, that we require this information and that we have it prior to the vote.

Mr. Robinson:

Mr. President, if I might follow up on Mr. Flaherty's concern about information from Warner Cable, as Council is aware, the issue of minority participation seems to keep cropping up every time Warner's name is mentioned. I think it would be appropriate to request from Warner a copy of the executed trust agreement, the agreement which establishes the minority trust and will for once and for all give us detailed information as to how that trust operates.

Michelle Madoff:

Excuse me. Could we take one separate and take the other one as a separate entity? I certainly support it.

Mr. Robinson:

Well that's what I'm doing. I thought that's what I was doing. I thought Mr. Flaherty was finished.

Michelle Madoff:

No, we haven't voted on the other yet. We haven't voted.

The Chair:

There's nothing to vote on. The man's making a request to get that information.

Mr. Flaherty:

No, I said we had to vote on it.

Michelle Madoff:

You mean any of us can make a request and that's it?

The Chair:

Certainly.

Michelle Madoff:

I'd like to request that the chief honcho for Warner stop taking \$2 million out of the kitty each year.

Mr. Flaherty:

Well, could I ask the Parliamentarian on that, because I'm not sure. Do we have to take a vote on a motion? This is a motion of Council.

The Chair:

We don't have that many members here, and I think we might not get five votes.

Michelle Madoff:

We only need four votes, majority.

The Chair:

Roll call vote on the motion.

Mr. Flaherty:

I vote aye for all the preface remarks that I have stated, and I would want to add that when the information was requested at the public hearing, we were told that it would be bad for the morale of the company. I would just want to add that we are aware of what the top 500 corporate executives in this country are making. I'm sure that Council can find that information in regard to U.S. Steel or regard to any of the blue ribbon corporations in this City, and I think that it is just a small thing to ask Warner to provide this information; and I would want to cease by saying that it wouldn't be a morale problem or there wouldn't be a question of morale if perhaps all salaries were equitable and fair to everyone else involved. Oftentimes the morale comes when the people on the bottom see what the person on the top is making; and oftentimes the person on the top knows what everyone else is making, but they are very privileged in regard to letting anyone know what they are making. I want to know what they're making if they're coming here and asking 60,000 homes in this City for a rate increase of anywhere in the range of 20 to 30 percent.

The Chair:

Mr. Flaherty, your motion is to receive all the salaries or just the president's?

Mr. Flaherty:

The 400 and as all authorities, trusts, everyone habitually, annually, very routinely provides through this Council.

Mr. Givens:

I vote aye on this, and I'd like to frame that in the context, is it legal for the City of Pittsburgh to actually ask for this information? This is not a public utility. It's a private company. We only regulate what's in the ordinance. If the ordinance says that we can get this information, fine and dandy. Otherwise, I would assume it would be voluntary on the part of Warner. The authority that I sit on, Urban Redevelopment Authority, we give the position and what the person makes in that position, but we generally don't tie the individual's name into the position. There are some proprieties of law that I think where we might be restricted here. However, I think it's a valid point and one that when we look at how they are being paid compared to other people in a very new, growing technical industry where we might make some comparisons from other Cities, to see if the Warner people are on target or are they overpaying or underpaying their people. I'd have to assume, and the fact that it is a private corporation, that they are trying to get, like any corporation, the least amount of money possible so their profit margin would be much greater. Common sense would so dictate that to me.

The Chair:

What was their rate increase

request, again?

Mr. Flaherty:

Approximately 20 to 30 percent. It comes to about 28 percent.

Mr. Givens:

They made the statement, I believe, in Thursday's hearing that their average income for their 419-some employees, if anyone can recall, I thought it was around —

The Chair:

No, we're not talking about the wages; we're talking about the increase request in regards to the cable. Mr. Flaherty said 20 to 30 percent. It varied.

Michelle Madoff:

Mr. Campbell representing Warner said, "It would be inappropriate to give this information unless it was specifically requested." Now we have specifically requested it, and Brother Emenecker stated that; and subsequently, I think we're going to learn that the cream of the crop right on top is still getting \$2 million, and I don't see how they have the audacity to come here and ask for a rate increase.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Michelle Madoff:

My vote was aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Robinson:

I'd like to get back to my point about the minority trust agreement. Consistent with Mr. Flaherty's request, I'd like to make a motion that this Council receive from Warner Cable a copy of the executed trust agreement that establishes the minority trust and any related documents that would indicate to us how that trust is supposed to operate.

Mr. Robinson moved that Council receive from Warner Cable a copy of the executed trust agreement that establishes the minority trust.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givens moved to excuse Mrs. Masloff and Mr. Stone for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Robinson moved to approve the minutes of Tuesday, May 31, 1983.

Mr. Flaherty seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, June 20, 1983

No. 25

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, June 20, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

We are honored this afternoon with the Mayor. There's a resolution addressed to the Mayor, and I believe it's

Michelle Madoff presents the resolution.

Michelle Madoff:

Your Eminence, would you join us, please? I think what you've done is quite heroic, and I think Council ought to honor it. I understand the "Y" is going to do that same and the spirit of the papers.

Michelle Madoff presents

Bill No. 3276 WHEREAS, on Saturday, June 11, 1983, in the Community of Hazelwood, a severe tragedy was averted by the quick action of Mayor Richard S. Caliguiri; and

WHEREAS, unaware that three pedestrians were crossing in front of his vehicle, the driver of a van pulled out to enter the parade route, striking three pedestrians and pinning one beneath the van; and

WHEREAS, Mayor Caliguiri saw this and reacted automatically when he jumped in front of the van and started pounding on the windshield to get the driver to stop; and

WHEREAS, with the assistance of a half a dozen policemen and firemen they lifted the van and pulled the nine year old child from beneath the vehicle's wheel; and

WHEREAS, if it were not for the quick and responsible actions of Mayor Caliguiri, the injuries sustained to these individual's could have possibly led to more serious injuries or even a loss of

life.

NOW THEREFORE,

BE IT RESOLVED that the Council of the City of Pittsburgh on behalf of the citizens of Pittsburgh hereby commend Mayor Richard S. Caliguiri for his heroic action which averted a serious tragedy in the Hazelwood Community.

Michelle Madoff moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

And I might add that I think you go into a telephone booth and change into your Superman uniform. Is that how you figured you were going to stop the vehicle?

The Chair:

Mayor, would you say a few words, please?

Mayor Caliguiri:

Well, I'm indeed surprised, obviously, and very, very pleased to receive this resolution. Michelle, you and members of Council — Michelle asked me if I would step into a phone booth, and I said you'd be surprised what I have underneath this suit sometimes, but you don't need a super uniform to do what I did, because I think anybody in this room would react the same way and under similar situations. It's an unusual experience to witness such an event taking place, but once it begins to happen you, almost act automatically in the situation; and I'm just happy that all the people that were involved at this point are at home and recuperating.

I do want to say, as was mentioned in the resolution, the firemen who were there. If it wasn't for them practically lifting the van up off the young girl, Kelly, it might have been even more serious. So, I've certainly got to give them a lot of credit for their quick action, and of course the paramedics that were on the scene, and the police officers for reacting so quickly; and I think it's a tribute to those services, and the people of Pittsburgh should feel good in that we've got the uniformed personnel that are able to do this under such circumstances. Again, Michelle, let me thank you very, very much for this, and I certainly hope we don't have to be involved in it again, but if need be, I'm sure all of us would just do the same thing. So, again to each and every one of you, I certainly appreciate the honor. Thank you.

The Chair:

Excuse me, Michelle, if I may take the prerogative as President of Council as saying some people would do anything to get publicity. Seriously, congratulations, Mayor.

Michelle Madoff:

You know, you said that anybody would have reacted the way you did. Many people would have frozen in terror, and been absolutely immobile and not been able to do anything. I think you thought very quickly, and that speaks well for our City.

Mayor Caliguiri:

Thank you.

The Chair:

Thank you, Mr. Mayor, and again, congratulations.

Mr. Robinson:

Mr. President and Members of Council, it's a distinct honor and pleasure today to present this resolution on behalf of a gentleman who was too modest to really say anything on his own behalf when he found out that he was receiving this resolution. In fact, he didn't find out, I think until Friday, and he said he will deal with me later, but it is a pleasure to read this Resolution No. 488.

Mr. Robinson presents

Bill No. 3277 WHEREAS, Brother George Calloway, Master Mason and Grand Master of Mason's in and for the jurisdiction of Pennsylvania, for all Prince Hall Mason's obedient to the most worshipful Prince Hall Grand Lodge F. and A.M. of the Commonwealth of Pennsylvania, has distinguished himself during his past twenty seven years as a Mason, which began with his membership in Lincoln Lodge number Ninety, McDonald, Pennsylvania; and

WHEREAS, since becoming Grand Master he has initiated and developed many improvements for the Grand Lodge in the areas of financial management and education; and

WHEREAS, his exceptional and unique administrative and managerial skills have earned him the opportunity to serve as plant manager for the Midland Ross Corporation of Pittsburgh, Pennsylvania; and

WHEREAS, Brother George Calloway has been celebrated for his unselfish community service and dedication to friends and family; and

WHEREAS, he holds masonic memberships in:

Sewickley Chapter No. 5, Holy Royal

Arch Masons

St. Cyprian Consistory No. 2, 32nd Degree Masons

Sahara Temple No. 4 Shriners (Prince Hall)

United Supreme Council, 33rd Degree Masons

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of it's citizens does honor, recognize and appreciate the works and contributions of Grand Master George Calloway; and

BE IT FURTHER RESOLVED, that the Mayor and the Council do wish his relatives, friends and fraternal association good health and prosperity on the occasion of his "This is your life", Testimonial Banquet on June 25, 1983, at the Marriott Hotel, Monroeville, Pennsylvania.

Mr. Robinson moved to adopt the resolution.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Robinson:

I would like to have Grand Master Calloway come forward. I told him originally that I'd ask him to come up and stand beside me, but I think this man needs to stand alone for the outstanding job he has done in this community. As I said, he's a very modest person, and I want him to respond; and then I'd like to recognize, with your indulgence, some of the other fine people who are here today.

Grand Master Calloway:

Certainly, to Councilman Robinson and to the Members of City Council, I

have to say that I am overwhelmed with receiving this award. Usually I'm not at a loss for words, but I can say at this time that I am. Being Grand Master of Mason's certainly in itself is a joy and a responsibility which I have accepted; and I owe all of my success certainly to these fine people who have accompanied me here this afternoon to help me receive this award. So on behalf of my constituency, myself, and the most worshipful Prince Hall Grand Lodge, I accept this award with all of the humility that I can muster; and to this City Council I say thank you, and particularly to Councilman Robinson. Thank you so very much for this honor.

Mr. Robinson:

Mr. President, if I might, I'd just like to acknowledge the presence of six other people who also have done a very outstanding job: Ms. Valda R. Calloway, (Daughter), Mrs. Vivian Calloway, (Wife) Past Matron, Chapter 24 Order of Eastern Star; Ms. Ruth M. Tucker, who's the Past Grand Worth Matron of State of Pennsylvania Order of Eastern Star; Ms. Janet N. Miller, Grand Treasurer, State of Pennsylvania, Order of Eastern Star — I know her as Novice Miller, I didn't know she had another name; Ms. Birda M. Jones, Associate Conductress Chapter 25 Order of Eastern Star; Ms. Naomi Collier, Past Matron, Chapter 25 Order of Eastern Star; Ms. Alice Jones, Grand Matron Special Deputy, Order of Eastern Star; Mr. Curtis W. Price, Worshipful District Deputy, Grand Master 7th Masonic District; and some of you may know Mr. Price, he's a very fine musician in our community, and the Director and founder of the Thunderherd which is probably one of the most outstanding Masonic youth groups, musical groups anywhere in the country; Mr. Robert Simmons, Esquire Grand Counselor to the Grand Master.

I wanted to recognize these individuals, because, along with Mr. Calloway, they have given to this community and this state some of the finest service that any fraternal organizations can. I think we ought to honor them from time to time. Thank you very much.

The Chair:

Certainly, we'd like to add our congratulations to Grand Master Calloway. We have one other resolution, Mr. Stone.

Mr. Stone presents

Bill No. 3278 WHEREAS, the Specialty Steel industry, its products and skilled workers, thousands of whom are now unemployed, are absolutely essential to the national economy.

WHEREAS, the U.S. Specialty Steel industry is the world's leader in process and product technology and is one of our nation's most essential, high-technology industries.

WHEREAS, the U.S. Specialty Steel industry is efficient, productive and competitive in domestic and in world markets.

WHEREAS, the U.S. Specialty Steel industry has made heavy capital investments to reduce costs, improve efficiency and maintain technological leadership.

WHEREAS, the privately owned U.S. Specialty Steel companies are forced to compete with foreign governments which own, subsidize and direct their less efficient producers to targets for their specialty steels abroad.

WHEREAS, the devastating increases in imports forced the U.S.

Specialty Steel industry and the United States Steelworkers of America to file an unfair trade case.

WHEREAS, after extensive investigation by governmental agencies, it was determined that allegations of subsidization were well founded and injury to the U.S. Specialty Steel industry in clear.

WHEREAS, the International Trade Commission (ITC) has ruled that the U.S. Specialty Steel industry has been seriously injured and recommended to the President that quantitative restrictions on alloy tool steel and stainless sheet and strip, plate, bar and rod be imposed for a period of three years.

WHEREAS, the President has received the ITC report and has until July 5, 1983, to determine what actions he will initiate to deal with the specialty steel import problem.

WHEREAS, the U.S. Specialty Steel industry has publicly committed to use any additional revenue generated from the import relief measures to make massive capital investment and research and development expenditures, in order to maintain its competitiveness.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and City Council of the City of Pittsburgh urge the President of the United States to impose quantitative restrictions on alloy tool steel and stainless sheet and strip, plate, bar and rod at the levels requested by the U.S. Specialty Steel industry and the United States Steelworkers of America for a period of five years.

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately

forwarded to the President of the United States.

Mr. Stone:

Mr. President, if I may, before moving for adoption, may I just make this comment? Too often it is said that the U.S. labor and our companies have not been operating with efficiency, and I think this is an instance in which that is not applicable. U.S. labor and industry has been doing their work and doing it well, but because of unfair practices in foreign countries where they've been subsidizing their labor, they have gotten an advantage in the market.

There have been accusations, but there have been denials by these foreign countries that they were, in fact, subsidizing their industry. Proof was needed; time is passed acquiring that particular proof. The proof is now there, and it's time that we stand up. July 4 is an important day for U.S. labor and industry, and particularly in this particular region in the City of Pittsburgh, and this Allegheny County, and the Southwest region. Where we have a great deal of it, that we have to stand up and ask for that which is ours, in short, fair trade, and we're entitled to it. I strongly move for adoption.

Mr. Stone moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff presents

Bill No. 3279 WHEREAS, for some time now, many Pennsylvanians have registered their cars in bordering states to save money by avoiding Pennsylvania's stricter No Fault Inspection Law, higher registration fees and sales taxes, safety inspections, and emission tests; and

WHEREAS, House Bill No. 362 has been introduced in the Pennsylvania Legislature making it easier to catch such scofflaws by placing the burden of proof of residency upon the motorist and not the Commonwealth; and

WHEREAS, House Bill No. 362 has passed the House of Representatives and is now in the Senate.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh urges quick passage of House Bill No. 362 in order to abate these practices so that the use of these vehicles conform to Pennsylvania requirements and revenues rightfully belonging to the Commonwealth of Pennsylvania are paid to it.

Michelle Madoff:

Before I move on it, may I ask a question, Mr. President? I wanted to ask a question, it's my bill. Does anyone know perhaps, is the Parliamentarian here? Does anyone know whether the City of Pittsburgh can pass its own ordinance, because since it hasn't passed in Harrisburg as yet, we are not quashed from our doing our own, are we not? We're not preempted?

Parliamentarian:

That's more of a Solicitor's opinion than the Parliamentarian.

Michelle Madoff:

Well, we have a solicitor here. Mr. Fein, can we introduce our own bill as we have it and see an environmental issue as an enabling act? There is no enabling act on the state level. Could we have our own bill in the City and not wait for the state to pass their bill?

Mr. Fein:

I haven't seen your resolution. As I heard the resolution, this is to require in-state registration?

Michelle Madoff:

That's to make sure they register their car in Pittsburgh.

The Chair:

If I may, Michelle, Marvin, wouldn't the state still have to enforce that, Michelle?

Michelle Madoff:

I just wondered if a car is in the City of Pittsburgh and does not have a Pennsylvania license, could a policeman could stop them?

Mr. Fein:

Certainly, I haven't researched it in depth, but the off the top of my head. The position would be preempted by state law.

Michelle Madoff:

They haven't passed it yet?

Mr. Stone:

The state's already spoken on it, Michelle.

Mr. Fein:

As far as I know, it has not been passed by the state.

Michelle Madoff:

Well, if it isn't passed by the state, can we have our own ordinance?

Mr. Fein:

No, there's still a preemption.

Michelle Madoff:

That's what I wanted to know, thank you. Move for approval.

Michelle Madoff moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Michelle Madoff Presents

Bill No. 3280 Be it resolved that the Administration is requested to hire a full-time employee to monitor the Minority Purchasing Program to increase minority participation in the City Purchasing Program, in an amount not to exceed Thirty Thousand Dollars (\$30,000.00). Funds are available in Code Account 1128 Miscellaneous Services, Department of Supplies.

And be it further resolved that the responsibilities of the employee are to include minority vendor recruitment and purchasing procedure review aimed at increasing minority participation in the City Purchasing Program.

Michelle Madoff moved to adopt the resolution.

Mr. Robinson seconded the motion.

Mr. O'Malley:

Is this a resolution?

Michelle Madoff:

This is a recommendation to the Administration, then, instead of having an consultant after, what is it, how many

years, Mr. Robinson? Is he here?

Mr. O'Malley:

No.

Michelle Madoff:

Well, anyway, the bill, I understand was originally introduced in '76, and the Administration came to us and said, "Oh my goodness, we don't have 15 percent of minorities and women getting our Supplies contracts. It's only .6, it half a percent;" and then they came back and said, "I tell you what we're going to do. We're going to hire a consultant;" and I don't think that's adequate. I think that we need to have somebody here who will walk these bills through, monitor them, be there all the time, and have a salary assigned within the \$30,000 frame. It may not be \$30,000. It may be \$18,000. It may be \$20,000, with benefits, whatever.

I have allowed \$30,000 to have somebody who does nothing more than watch out to see that the commitment made by this City some seven, eight years ago is honored, as opposed to a consultant to come and tell you what to do, because we know what to do. It's a matter of do we want to do it.

The Chair:

Any further motions, approved and seconded, all in favor aye?

Michelle Madoff:

Aye.

Mr. O'Malley:

Abstain.

The Chair:

Opposed.

Mr. Woods:

Opposed.

The Chair:

Roll call vote.

Mr. Flaherty:

I am supporting the motion primarily because I would hope that if we were to have this individual working out of Supplies, that they would monitor on-site construction jobs. It was brought out in a public hearing of a few weeks ago in regard to minority hiring that the City seems to be relying strictly upon the information provided by contractors, and I feel that it is crucial that the City, if not anything else, have at least one true oversight responsibility, and that is to go and to check for itself.

Mr. Givens:

No.

Michelle Madoff:

I'd like my comments from the other day brought forward when I voted in opposition to having the consultant. I think it is very apparent that if we don't move right now to hire someone to do the job, we are abdicating our responsibilities. We're going back to saying the Administration said they were going to do it, they didn't do it, and we're going to forgive them their past sins and hope that they'll correct them in the future. I think we have to bite the bullet and say we care about minorities and women. We made a commitment and we want to live up to that commitment.

We're talking about a very small amount of dollars compared to what this City spends; and I think it would be very unjust and unfair, and I might add that I've had many calls from the minority community leadership with recommendations of people. I said I'm not in the position to hire that person, that would at the discretion of the Mayor, if it passes this Council, but they believe that it should not be a consultant. They believe it should be a person doing the job. If we really mean what we're saying, if we're not just a lot of windowdressing, if we really care about minority and women contracts, then we're saying hire someone to do the job. I understand that when George Whitmer was originally hired, he was hired to be a person who walk bills through, on unpaid bills and so on. He got bogged down with a lot of other things and never did the job that he was hired for. He does other things.

We need someone to live up to the commitment of the City. It's a moral issue as well as a legal issue.

Mrs. Masloff:

I vote no. I think we ought to go back to the consultant plan that was originally suggested.

Mr. O'Malley:

I agree that we need somebody to monitor the minority purchasing, but I also feel that this was Mr. Robinson's bill. Mr. Robinson put months of work into the legislation he introduced and is now being tabled, and I think it's up to Mr. Robinson to make the recommendations on how he feels it's best to attack the problem of minority purchasing. I abstain.

Mr. Robinson:

I'm going to vote aye, and I'd like to explain my vote without going into a lot of detail about what we have been doing over the last five and a half years of trying to do. I think it's rather obvious that there are some things that need to be done, not just in the area of minority purchasing, but in the area of minority business development. I don't think anyone should fail to understand that the issue here is not minority purchasing, it's minority business development, of which purchasing from minority persons is one aspect.

I don't believe that the hiring of one person or the hiring of a consultant will address that concern. I think we might take some instruction from a study recently done by the U.S. Civil Rights Commission on the City of Baltimore. The study was conducted in 1981 and the report was available in 1983; and it's called "Greater Baltimore Commitment," and I'd just like to take occasion to mention just two things, if Council would just bear with me.

On the letter that was sent to the President of the United States from the Commission's Chairman, Mr. Clarence Pendleton, and the Members of the Commission, the last paragraph says: "The report concludes that what is needed is a comprehensive municipal strategy to foster economic development for the City's minority community. It is our hope that the findings and recommendations contained in this report will be of assistance in achieving this goal."

I would suggest that those people in the City of Pittsburgh who say they are concerned about minority business development starting with our Mayor, do take some time to read this report, because on page 93 of this report, there

are 15 recommendations. Nothing new under the sun, but 15 recommendations that I think would help us address this issue. I'm going to vote yes, because I'm going to vote yes for anything that's positive that's going to help this City move towards realizing the goal of a significant, comprehensive, minority business enterprise program. So, I vote aye.

Michelle Madoff:

Excuse me, Mr. President, may I ask Mr. Robinson a question?

The Chair:

Certainly.

Michelle Madoff:

Mr. Robinson, what you're saying, if I hear you correctly, is you would vote for the consultant and for a person to actually do the job; is that correct?

Mr. Robinson:

Oh, yes.

Michelle Madoff:

Thank you. I wonder if I could impose on Councilman O'Malley, because I think he was respectful to Councilman Robinson, said it was his bill. He didn't want to vote against him. Would you change your vote?

Mr. O'Malley:

No, Michelle. I'm still abstaining. There's still a bill for a consultant that's tabled.

Michelle Madoff:

No, the reason I asked is you mentioned that you were concerned that

Mr. Robinson had done all this work, and he's supporting this bill, and since he's done all the work in supporting the bill, I would ask you to change your vote.

Mr. O'Malley:

Well, then I would suggest that we let Mr. Robinson handle the bill until it's conclusion.

Mr. Stone:

No, but I will support the consultant, and I hope it comes up today.

Mr. Woods:

No, for the simple reason that we have enough people on the payroll, and the Administration or the Director of Supplies didn't assign anybody to do that job in the last five and a half or six years; that's why I'm for the consultant, and then maybe he will suggest here's how you do it and go about it.

The Chair:

I have mixed emotions. I just want to the City's commitment carried out in regards to the minority purchasing. I'm going to vote no.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff

AYES 3 NOES 5

(MR. GIVENS, MRS. MASLOFF, MR. STONE, MR. WOODS AND MR. DEPASQUALE, VOTING NO)

(MR. O'MALLEY, ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

UNFINISHED BUSINESS

Mr. Woods moved to take Bill 3130 off the table.

Mr. Stone seconded the motion.

Which motion prevailed.

Bill No. 3130 A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants to aid the City in its minority purchasing program, the cost of which shall not exceed \$30,000.00 chargeable to and payable from Code Account 1128, Miscellaneous Services, Department of Supplies."

Which was read

Michelle Madoff:

Are we going to vote on it today, or are we going to put it back into committee?

Mr. Woods:

Right now it's up for a vote.

Mr. O'Malley:

Can you do that?

Mr. Stone:

Read the bill.

Mr. O'Malley:

Ruling from the Parliamentarian, please? I'm not sure you can take a bill off the table and go right into a Monday Committee vote.

Michelle Madoff:

Can you, Mr. Parliamentarian? Yes, you can. The Parliamentarian says yes, you can.

Mr. Robinson:

Mr. President, I'd like to make an amendment, with Mr. Woods' agreement. Last Monday Mr. Woods raised a question as to whether or not Council wanted a final report from the consultant at the conclusion of the study or at some other time.

Mr. Woods:

I thought we amended this.

Mr. Robinson:

The bill doesn't reflect that my original amendment did not include a specific time, and I'd just like to amend Section 2 to reflect that report that is submitted to City Council.

Mr. Woods:

I'm sorry. The actual bill does, Bill. I have it in my hand. It does say Section 2, "The Agreement or Agreements shall require final reports at the end of each phase of the consulting and review process and a final report which shall be submitted to City Council."

Mr. Robinson:

Well, submitted to City Council should be "at the conclusion."

Mr. Woods:

Okay, that's not there. Everything else is.

Mr. Robinson:

Yes, at the conclusion of the review process.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Flaherty:

Yes, Mr. President, I have a question for Councilman Woods. In regard to the proposed consultant, could you give us some information as to how they were selected? Who selected them and what is the consultants' expertise in this field?

Mr. Woods:

I think Mr. Jacoby at the committee meeting two weeks ago on a Wednesday answered that same question for Mr. Robinson. They were phone-call bids as they usually do, three people contacted, and after written reports from three different people, that's how they were chosen. I don't have the fellow's name, the company's name in front of me right now, who was chosen, but that was all given at the Wednesday's meeting two weeks ago.

Mr. Flaherty:

Are you aware if this is a newly formed consultant company and that this will be their first consultant responsibility?

Mr. Woods:

Not to my knowledge, Councilman Flaherty.

Mr. O'Malley:

Is this their first consultant job?

Mr. Flaherty:

I have heard that from other black consultants. Maybe there's just sour grapes there; I don't know. I'm trying to find that out for a fact.

The Chair:

What's the name of the consultant?

Michelle Madoff:

A man called me and asked me for my vote.

Mr. O'Malley:

Exico.

Michelle Madoff:

He called me and asked me why I didn't vote for it. I think he's had other contracts. He mentioned he does something else.

The Chair:

You're saying only three firms responded in regards to —

Mr. Woods:

They contacted three firms.

Mr. Robinson:

Do we have the names of those firms?

Mr. Woods:

If we have the record from the committee meeting, George Jacoby did give them at —

Mr. Robinson:

I don't believe Mr. Jacoby ever gave us the names of any companies that were considered. He gave us the name of the company that was finally selected, but I do remember him saying that there was some other companies considered.

Mr. Woods:

I had it in a written response from him also.

Mr. Robinson:

I think it would be appropriate, since some questions are being raised, to at least see what other companies were considered. I mean, I have no problem with Exico being selected, but I think for our own credibility we need to know what process was utilized and what other companies might have had an opportunity.

Mr. Woods:

I think the same process was utilized in this particular instance that's utilized in every other consultant contract we give out in this City — over the last two years that I've been here. Nothing's been done any different.

Mr. Stone:

Call a question.

Mr. Robinson:

Well, I hate to differ with Mr. Woods, but again, I beg my colleagues to pay attention to our own credibility. If

we believe that the process that was utilized was above board and was the best process that we had available, then let's tell people what the process was. I don't think it's been established yet what that process was, and I don't think it's been established yet what other companies may have been contacted. If this was a sole-source contract, then fine, I don't have any problems with that; but I don't think we need to leave any questions about the credibility of Exico or about this process. What they're attempting to do is too terribly important to this City to have it hung on a peg somewhere, and people look at it as though it's some rotten, dead meat; and I think we ought to find out what that process is or what it was, so that we can bury this issue once and for all.

Michelle Madoff:

Excuse me, I have a very important question, Mr. President. When will the study be completed? It doesn't say. I mean, it could be five years. If you don't want to do something, you study it.

The Chair:

I hope it is to be a quick study.

Michelle Madoff:

That's what I want to know. A gentleman called me to say, "Why did you vote against me? Why are you against minority contractors?" And I said, "I'm not. I'm introducing a bill on Monday that asked the Mayor to have a person do the job as opposed to studying it," and now we have no date. You know, the way you don't do something is to study the problem when you don't want to do it; and then when that study comes in, you say, well, that study, we're not sure about it. Let's study it again, and let's study it again. Now, I'm with you, Mr. Robinson; we're going to do

something as opposed to doing nothing.

Mr. Robinson:

Michelle, we could get the answer to that question if we could get a copy of the request for a proposal, because in a request for a proposal, we would know what specifically the Supplies Department would want to do, what kind of time restraints would be placed on the consultant, and what kinds of materials they would expect.

Now, I have not seen a request for a proposal, but I think it would be appropriate for us to get a copy of the request for a proposal so that we know what it is this consultant's going to do, because evidently, enough questions are being raised that we may be putting the consultant in an untenable position where they can't perform because people don't believe they're credible; and I think the Supplies Department owes it to the consultant and to this Council and to this City to show us the request for proposal and identify what the process was. If the Supplies Department feels Exico can do the job better than anyone else, I will support them 100 percent, but let's not leave any doubt about how they were selected. That's all; just tell people that's who you want.

Michelle Madoff:

That's not my question, Mr. Robinson. My question is, can you do the report in three months? Can you do it in six months? Can you do it two weeks? How long will this study take?

Mr. Robinson:

It's supposed to take four months.

Michelle Madoff:

That's it. Would we please put in

that within four months we get an answer? That's all I want. I want to make an amendment to this bill, that Council have in its possession no later than five months from this date a report.

Mr. Woods:

Michelle, before you do something like that — make an amendment, let's see, I just sent for him. Let's see what is in the proposal just like Councilman Robinson said, if there is a date, if there is a time limit on it.

Michelle Madoff:

Well, Mr. Robinson said that there is a date of four months. I'm just saying that in four months I want a report.

Mr. Woods:

Well, it says on the conclusion of the —

Michelle Madoff:

I know but the conclusion could be in 1999.

The Chair:

Mr. Woods, is that information forthcoming?

Mr. Woods:

Yes, but I don't want to move on to anything else. Nothing else until this is settled.

The Chair:

Let's come back to —

Mr. Woods:

No.

The Chair:

We'll come back to the bill when we get the information.

Mr. Woods:

Okay, I want to make a ten minute recess, Mr. Chairman.

The Chair:

Why don't we go on with our regular business?

Mr. Woods:

No, I do not want to go on to any other business until this is done.

Mr. Robinson:

May I do something, then, if I might, Ben, please.

Michelle Madoff:

You know, Mr. Woods is not President of this Council yet.

The Chair:

Mr. Woods, I'm going to deny your request for a recess. I see no purpose for such a request.

Mr. Woods moved to recess for ten minutes.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

Opposed.

The Chair:

Roll call vote.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Mrs. Masloff	Mr. Stone
Mr. O'Malley	Mr. Woods

AYES 6 NOES 3

(MR. FLAHERTY, MICHELLE MADOFF AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

(RECESS)

The Chair:

Council members please take their seats. Mr. Jacoby, I understand you have the proposal that Mr. Robinson requested in regard to the minority participation. Would you come to the microphone, George, please? Could you read that proposal, please?

Michelle Madoff:

What date will the study be done?

Mr. Jacoby:

The study is to be done four months from the date it began.

Michelle Madoff:

Fine, so can we have, one month

after the study's completed, after you've had a chance to review it, can we have a report? Can we have the bill say that we get a report?

Mr. Jacoby:

Certainly.

Michelle Madoff:

How did you pick the person? How did you get the consultant? What qualifications do they have? Have they ever done any other consulting work?

Mr. Jacoby:

Two things. The principals of this firm consist of a gentleman by the name of David Berkely and another gentleman whose name is Eustace Uku. I'll read from both of their resumes.

Michelle Madoff:

You don't have to. Just tell us, have they done any other work before?

Mrs. Masloff:

Mr. Berkley was a member of the original Cable Committee, and he is the most efficient, knowledgeable man I ever met.

Michelle Madoff:

Fine.

Mr. Woods:

Mr. Jacoby, very simple. How many consulting contracts have they done, is what she's asking, before this one?

Mr. Jacoby:

In the last three years they've done

16 consulting contracts.

Michelle Madoff:

Fine, they told me they had done others.

Mr. Stone:

Call a question.

Mr. Flaherty:

No, I have some questions.

The Chair:

I believe one question Mr. Robinson asked, he wanted to know what the proposal said or what was in there.

Mr. Robinson:

Yes, the question about — I think he's answered that in terms of the time factor in the proposal. Does the proposal speak to a specific time when they're supposed to start and finish?

Mr. Jacoby:

The proposal contains what's called a gant charge which requires the job to be done within four months in its time of inception. We are, pending Council's approval, ready to begin. In fact, they've already had one meeting.

Mr. Robinson:

Let me ask a question at this point, and this deals with the whole credibility factor. Unfortunately, this is become an issue where this information is available and I think Council needs to be aware in advance. Has the consultant started to do any work for us prior to Council approving the authorization of the expenditure of money to pay them?

Mr. Jacoby:

The consultants have attended two meetings with the understanding that if Council does not approve the bill, they will not be paid.

Mr. Robinson:

The reason I raised that is, amidst the controversy around this proposal, the impression was given that the consultants were already working, like already on the payroll; and I wanted to get that clarified as to under what circumstances they might be doing anything, if anything. You've clarified that for me.

Mr. O'Malley:

What's the scope of the study going to entail? Your department only?

Mr. Jacoby:

Well, the purchasing section, yes. Reviewing our procedures for minority participation, our recruitment of minority vendors, recommending changes which might be necessary legislatively, and other methods we would use to solve our problem with minority participation.

Mr. O'Malley:

The study's just going to be limited to your department only?

Mr. Jacoby:

Yes.

Mr. Flaherty:

Do you have a copy of the R.F.P.?

Mr. Jacoby:

There was not a formal R.F.P.

Mr. Flaherty:

Why not?

Mr. Jacoby:

Essentially the way this issue was approached was, we knew we had a problem, we wanted to know two things. Why do we have the problem, and how do we address the problem? There were a number of people who were spoken with. Frankly, I did not want to narrow the services that we were looking for. This is an area where, when I first made my presentation to Council back in March, I did not have, if you'll recall, very good answers as to why we had this problem.

I did not want to narrowly define the project and bring in people who knew what they were doing and say you've narrowly defined the project and now we can't provide the services. Basically, what I did was speak with these people and say, what do you need to do for me to help me solve this problem, and they submitted this proposal to us.

Mr. Flaherty:

Who else had you received proposals from?

Mr. Jacoby:

We did receive one other formal proposal. The gentleman's name is Anthony Upsher.

Mr. Flaherty:

Had you contacted anyone else?

Mr. Jacoby:

We had had conversation with other people, but eventually --

Mr. Flaherty:

Who were they?

Mr. Jacoby:

I think they would prefer that I did not tell you that.

Mr. Flaherty:

Well, this is a public issue where Council is going to vote a public appropriation.

Mr. Jacoby:

Well, let me just say that we had conversation with people who basically decided they did not want to propose. We had two proposals. Nothing magic about it, we had two. This in my opinion was the better proposal.

Mr. Flaherty:

Did one of the principals in the Exico Corporation chair the meeting that was held here in Council approximately three weeks ago with the N.A.A.C.P. and the Mayor's Office?

Mr. Jacoby:

He was the moderator, yes.

Mr. Flaherty:

Who selected that person as the moderator?

Mr. Jacoby:

I believe the N.A.A.C.P. did. I don't know.

Michelle Madoff:

Are you aware that the U.S. Civil Rights Commission would do it for

nothing?

Mr. Jacoby:

No.

Michelle Madoff:

Is that correct, Mr. Robinson?

Mr. Robinson:

Well, they conducted a study in Baltimore. It didn't cost the City of Baltimore any money.

Michelle Madoff:

Are you aware of that? Also, Baltimore has a fiscal advisor. They're light-years ahead of us.

Mr. O'Malley:

Who would do it for nothing?

Mr. Robinson:

The U.S. Civil Rights Commission.

Michelle Madoff:

Have they had a great deal of experience, Mr. Robinson?

Mr. Robinson:

Very much so.

The Chair:

Any other questions to Mr. Jacoby?

Mr. Robinson:

George, are you aware of a study that's being conducted by the U.S. Conference of Mayors relative to the issue of minority business development?

Mr. Jacoby:

No, I'm not.

Mr. Robinson:

Okay, you might want to get a hold of some of that research data. It may be helpful to you and the consultant. The U.S. Conference of Mayors identified six major cities around the country to study their minority business enterprise programs, and I think it would be very helpful if you look at that study, because Pittsburgh was one of the cities.

Michelle Madoff:

Would you have any objections to changing in midstream and going to the U.S. Civil Commission?

Mr. Jacoby:

My preference on something like this is to pay for what you get. My own feeling is that if you're paying someone to provide you a service, you get a first-rate service. If you're getting a service for free —

Michelle Madoff:

I think that's a very unfair statement to make.

Mr. Jacoby:

I don't think it's unfair at all. I think if you're expecting something for free, you have a difficult time requiring that someone perform, if you're not paying them for it. This is not a minor issue in my opinion. I want the job done properly.

Michelle Madoff:

You were not there previously, but whoever was there thought it was a very

minor concern, and it was the Administration. So, let's deal with that right up front. Otherwise — see, my feeling is, let's put it right on the table. You know exactly what to do, you needed someone to do it, and that's why I introduced a bill to hire somebody. People are too busy doing other things, and rightfully so; get you someone to do the job. We don't need to study the problem. Any one of the people in this room there isn't a person in this room who couldn't do the job. You don't need a study, and I'll vote for it simply because I'm not going to vote against doing something, and if that study comes out saying you're going to hire somebody, they should hire someone to be there on the spot all the time. I'm afraid, there's an old story about Lawrence, if he took the question out of his right pocket, it was a no answer and out of his left, it was a yes.

I don't know what your "hired gun" is going to come back with, and that's with all due respect, because I hear they're very good, but they may want other contracts and say, well now, I think this is the way you can do it. Now, go ahead and do it. I still have no guaranties, and not one member of this Council has, that you're going to follow the recommendations of that study. That's why I want a body hired, and we can have the study and the body.

Mr. Stone:

Call the question.

The Chair:

Roll call vote.

Mr. Flaherty:

I am in opposition for two reasons. First of all, because of the answers that I had just received from our

Director of Supplies. It seems to me that there is a real appearance of selective appraisal, and it's to who the contract was awarded to. I am also very disturbed that, since this was such a pressing and serious concern, that there was not a request for proposal sent to all consultants that would have expertise in this matter; and I also was not satisfied with the answer which circumvented as to what individuals had expressed interests also in the study.

I think that we have an appalling record now in regard to the awarding of contracts to minority concerns. I see this just as an extension of the practice that we now have with Reverend Simms. Reverend Simms is certainly in my mind a credible individual, but once again, this is a person who serves at the pleasure of the Mayor's Office; and we see what results we have because of that. Once again, we are having a consultant who has already started the job completely presuming that this Council's going to fall in line, once again serving completely at the pleasure of the Mayor's Office. The Mayor needs an independent outside watchdog.

This leads to my second reason for opposing it is because I don't think it is a real question of expertise. It is a political question. Black people, black concerns shouldn't be any harder to fulfill than hiring white people or dealing with white concerns; and I don't think we are going to see any movement in that direction until we have some political courage from public officials in this City that are going to give black interests a fair and equitable piece of the pie in City Hall; and I say that is an action that is going to take courage, because they are going to be cracking heads with powerful white interests in this City.

Mr. Givens:

I vote aye for the bill, and I think it's a move in the right direction. I'm sorry that it's taken this long of a time to fulfill this vacancy in our Purchasing Department, but all of us can sit here, some of us for six, seven, eight years, and Bill Robinson was the one to really pursue the issues and look into this matter, and I think it's a step in the right direction.

Michelle Madoff:

I would like to point out that in the book that Mr. Robinson just loaned me, the "Greater Baltimore Commitment," the study is already there, it has all the recommendations, all you have to do is hire someone to do them; but just so that I'm not an obstructionist, I'm going to vote yes, with one understanding, very clear, and very public.

Four months after this study is done, I will give one month allowance for the department to review it, and if that study isn't followed to the letter, I think that we're going to see the minority community rise together in unity with the women's movement, and we're going to see that something serious happens in this City so that the Administration follows through on its commitment, made seven years ago that they've just got up here and admitted was shamefully unproductive.

Mrs. Masloff:

Aye.

Mr. O'Malley:

I certainly think that we have a problem when less than one percent of the purchases by the City of Pittsburgh are made in the minority community, and I think it's a step in the right direction. I

vote aye.

Mr. Robinson:

I'm going to aye with a very short explanation, and I think, first of all, Council should be cognizant to the fact that there are two resolutions on the books this Council passed in 1978 that specifically relates to the Supplies Department and specifically gives the Supplies Department a mandate to develop a minority business enterprise program, an enterprise program for women. They already have that charge and responsibility. This Council already passed those resolutions. We also passed a resolution that we will get quarterly reports from our Supplies Department. Neither one of those resolutions has been adhered to for whatever reasons; and I don't think we should let that slip past our minds. So the hiring of a minority consultant today is not a time when we're discovering sliced bread.

This Council and this Administration has had a commitment to minority business development for five and one half years. A consultant at this point is too little, too late, even though I will support it, because I believe that, with enough pressure and with enough commitment, we can eventually get on with the business of making sure that everyone in the City has an opportunity to participate in the growth, particularly in the growth pursuant to the Renaissance.

I think it's important that we recognize that we need municipal support and commitment to a comprehensive minority business enterprise program, and one that includes women. We have to have that. We have to have the support of the Mayor of the City of Pittsburgh. You will not get substantial minority input into Renaissance II until the Mayor of

this City comes forward and not only says he's committed to it, but does at least two other things.

One, he's going to have to identify a comprehensive strategy, which would include minority purchasing; and two, he's going to have to identify for us an implementing structure that has as his head a person we can identify. We do not now have in the City of Pittsburgh one solitary person who's responsible for minority business development. Not one. There's no one with that title. There's no one who has a staff. There's no one charged with the responsibility of implementing our minority business enterprise program.

The Supplies Department, I think, is to be commended for allowing us to beat up on them while we attempt to resolve the problem. So, I commend Mr. Jacoby for being courageous enough to let us beat up on him while we try to get to the issue; and the issue is not the Supplies Department. The issue is not the consultant. The issue is whether or not this City is going to fulfill its commitment to minority business development. That is the issue. That issue is still before us, and the hiring of a consultant, believe me, will not make it go away. I vote aye.

Mr. Stone:

I'm voting aye, but I would be remiss if I didn't respond to a remark made that if someone serves at the will of the Mayor, that that adds some connotation of dirtiness. I think that that would be, as Mr. Robinson has just indicated, a very unfair remark, not only to all of our directors, but specifically to Mr. Jacoby. Mr. Jacoby just became the Director of Supplies. He served this City commendably and well in the Finance Department. He moved over there, he was asked for information and came back

very forthrightly and very candidly and laid it right out on the table, and indicated that there has not been a good performance record as far as that Department; and he now has set his goals to try to do something about it, and instead of trying to make him be dirty, I think we ought to be commending him. He's now said, "I need this to do it. I want now to perform to have a better record for this department, so long as I now sit as its director." He's asked for it, and we ought to give him wholeheartedly form; and I want him to know that there are people here who think that he is not dirty by being at the will of the Mayor.

Mr. Woods:

I vote aye for the reasons I stated before. They have not done the job in the last five and a half, six years, and it proved that they are trying to do the job by bringing in a consultant. It is, to my knowledge, the first time that any black firm was ever handed a consultant fee in the City of Pittsburgh. We should all vote for that, if we all are looking for that. Thank you.

The Chair:

It's finally a start, so I vote aye.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods

Mr. O'Malley Mr. DePasquale
 (Prest)

AYES 8 NOES 1

(MR. FLAHERTY VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally as amended.

Mr. Givens presented

Bill No. 3268 WHEREAS, pursuant to Section 425.20(a) of the City Code, "Council expressly reserves the right to approve the rates which the franchisee charges its subscribers for basic service and the rates for other services as Council may hereafter be permitted to regulate by law;" and

WHEREAS, pursuant to Section 425.20(b) of the City Code, "No rate, fee or charge of any kind shall be charged or collected from subscribers by the franchisee for the basic service or other regulated services without the written authorization of Council;" and

WHEREAS, pursuant to Section 425.11(f) of the City Code, "installation and service fees for the first television set of any subscriber shall be uniform for all entities listed in 425.10 hereof;" and

WHEREAS, pursuant to Section 8.1 of the Franchise Agreement, on or before August 25, 1984 Warner Cable Corporation of Pittsburgh must offer cable communications services to all residences or persons requesting such service; and

WHEREAS, cable communication services are not available at present to all residences or persons; and

WHEREAS, on January 4, 1983, Warner Cable Corporation of Pittsburgh

submitted a request pursuant to Section 425.20(c) of the City Code to increase inter alia monthly service charges for Tier III by \$1.55, and for Tiers IV and V by \$2.05 each and the installation charge for Tiers III, IV and V by \$5.00 each. Warner Cable Corporation of Pittsburgh also requested increases in varying amounts for monthly service charges and installation charges for additional sets on Tiers III, IV and V and for FM Audio Service; and

WHEREAS, on April 8, 1983, financial information was submitted by Warner Cable Corporation of Pittsburgh to the Bureau of Cable Communications in response to a request for such information; and

WHEREAS, on May 2, 1983, the Bureau of Cable Communications submitted a report to the Mayor and City Council in which the Bureau concluded that "the proposed rates for Tiers III, IV and V of basic service meet the criteria for reasonableness" and made numerous recommendations for Council to consider when reviewing the request for increased rates; and

WHEREAS, the basis for rate regulation is controlled by Section 14.11 of the Franchise Agreement; and

WHEREAS, on June 3, 1983, the Pittsburgh Cable Communications Advisory Committee submitted a report to City Council wherein it made several comments and recommendations, but made no recommendation with respect to the proposed new rates; and

WHEREAS, on June 9, 1983, public hearings were held by City Council on the rate increase request and several representatives of Warner Cable Corporation of Pittsburgh as well as numerous citizens testified at the hearings.

On the basis of the information submitted by Warner Cable Corporation of Pittsburgh, the reports of the Bureau of Cable Communications, and the Pittsburgh Cable Communications Advisory Committee and the testimony presented at the public hearing, Council hereby approves the following new rates and imposes the following conditions on the charging of those new rates:

1. The approved new rates shall be:

Tier III

Monthly Service Charge:

\$8.00 with converter
\$6.80 without converter

Monthly Service Charge - additional outlets:

\$4.00 with converter
\$2.80 without converter

Installation Charge - additional outlets:

\$10.00

Tier IV

Monthly Service Charge:

\$9.50 with converter
\$8.30 without converter

Installation Charge - additional outlets:

\$4.00 with converter
\$2.80 without converter

Installation Charge - additional outlets:

\$10.00

Tier V (QUBE)

Monthly Service Charge - first and second QUBE outlet:

\$11.50 each

Installation Charge - second outlet:

\$29.95

Monthly Service Charge - additional NON-QUBE outlet:

\$4.00 with converter
\$2.80 without converter

Installation Charge - additional outlet:

\$10.00

FM Audio Service

Monthly Service Charge:

\$3.00

2. The approval of the new rates and the maintenance of all other rates as set forth in the Franchise Agreement is conditioned upon Warner Cable Corporation of Pittsburgh continuing to provide each of the programming services to each of the levels of service in the attached Schedule A. All proposed changes in programming services must be submitted to Council at least four (4) weeks prior to any proposed change and Council may adjust the rates depending on the nature of the change.

3. The new rates shall be effective no sooner than July 15, 1983 and Council will not consider any further requests for rate increases before September 1, 1984, or the date on which the Bureau of Cable Communications certifies that the system is 100% constructed and Warner Cable Corporation of Pittsburgh is offering cable communications service to all residences or persons requesting such service pursuant to Section 8.1 of the Franchise Agreement which ever date is later.

4. The proposed new rates for installation of first sets is not approved for the reason that service has not been offered to all residences or persons at present and an increase in those rates at this time would be in violation of the uniformity provisions of Section 425.11(f) of the City Code.

5. The City Clerk is directed to send a copy of this Resolution by certified mail to Warner Cable Corporation of Pittsburgh and no increase shall take effect unless Warner Cable Corporation of Pittsburgh submits a proposed notification of the increase to the Bureau of Cable Communications for review and approval and upon approval such notification is mailed to each subscriber at least twenty (20) days before July 15, 1983, or any later effective date of the rate increase.

SCHEDULE A

<u>PROGRAMMING SERVICE</u>	<u>TIER I</u>	<u>TIER II</u>	<u>TIER III</u>	<u>TIER IV</u>	<u>TIER V</u>
KDKA	X	X		X X	X
WTAE	X	X		X X	X
WPXI	X	X		X X	X
WQED	X	X		X X	X

WQEX	X		X		X	X	X	
WPTT	X		X		X	X	X	
WPCB	X		X		X	X	X	
WPCB	X		X		X	X	X	
Neighborhood Comm.		X		X		X	X	X
Public Comm.	X		X		X	X	X	
Governmental Comm.		X		X		X	X	X
Educational Comm.		X		X		X	X	X
Pittsburgh Bulletin Board		X		X		X	X	X
Pittsburgh Personals		X		X		X	X	X
Pittsburgh Potpourri		X		X		X	X	X
C-SPAN	X		X		X	X	X	
Health Services	X		X		X	X	X	
The Weather Channel			X		X	X	X	X
Christian Associates			X		X	X	X	X
Special Needs Programming			X		X	X	X	X
HTN Plus (optional)			X		X	X	X	X
Minority Community Programming			X		X	X	X	X
Commercial Access					X	X	X	X
Financial News Network					X	X	X	X
Nickelodeon					X	X	X	
Program Guide					X	X	X	
WOR					X	X	X	
N & I News					X	X	X	
WTBS					X	X	X	
News Weather					X	X	X	
The Movie Channel (optional)					X	X	X	X
Today's Highlights					X	X	X	X
Pittsburgh Pen Pals						X	X	X

SCHEDULE A
continued

<u>PROGRAMMING</u> <u>SERVICE</u>	<u>TIER I</u>	<u>TIER II</u>	<u>TIER III</u>	<u>TIER IV</u>	<u>TIER V</u>
Daytime/MSN, Culture & Learning				X	X
Cable Health Network				X	X
Cable News Network				X	X
Radar Weather				X	
Consumer Information				X	X
USA				X	
ESPN				X	
Stocks & Market News				X	X
SPN				X	
Arts				X	
Home Box Office (optional)				X	X
Telecampus				X	
Classified Adv./Weather				X	X
Nashville Network				X	X

MTV
 Renaissance
 ASCN
 CNN Headline News
 Satellite News Channel
 Showtime (optional)
 Home Sports Entertainment (optional)
 Community Narrowcast I & II
 International Film Festival
 QUBE Campus 1
 Live and Learn
 Viewers Choice
 Viewers Choice
 Viewers Choice
 Viewers Choice
 Viewers Choice Guide

X	X	
X	X	
X	X	
		X
		X
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		X
		X
		X
	X	
	X	
	X	
	X	
	X	
	X	
		X

Mr. Givens moved to adopt the resolution

Mrs. Masloff seconded the motion.

The Chair:

Before we get to discussion, I want to ask the City Solicitor, Marvin Fein, a question. Marvin, have you made a decision? Are you prepared to make one that no one on this Council is in a conflict of interests in regards to the voting today?

Mr. Fein:

That's correct.

The Chair:

Without alluding to the names, I saw a piece in the paper last week that a couple of our Council people got into a battle over that, and I want to make clear before we get into the voting.

Mr. Fein:

There have been no facts brought to the attention of the City Solicitor's Office that would indicate anyone has a conflict of interests on this issue.

The Chair:

No member of this Council has any conflict. Okay.

Michelle Madoff:

Mr. President, you were not here when I stated that, in all the years that you have been a President of Council, you have never voted, to my knowledge, in the five years that I've been here, for anyone that you were remotely related to. They were not necessarily people that lived in your house that you supported. There is no conflict of interest if Mr. Depasquale had chosen to vote for any of the contractors, because they are not his support. Is that correct? He could have voted had he chosen to do that. There's not a legal reason why he couldn't, but he felt morally that he should disqualify himself.

I understand that Mr. Givens' daughter got the job on her own. All the more power to her. I think that's wonderful. There is not a conflict of interest, legally. I believe there is one

morally, and I think that goes to the issue of the legal opinion that was issued and signed by, Mr. Fein. We have a legal opinion, Mr. President, that says that references made to the letter from the City Clerk to me requesting a legal opinion as to whether City Council is legally empowered to require Warner Cable Corporation of Pittsburgh to provide them with a list of names and salaries of all their employees. Now, just some quick clarification. Do they have to supply us with the names?

Mr. Fein:

Yes. You're asking the names?

Michelle Madoff:

Names.

Mr. Fein:

I think that really goes to what the request was, I never —

Michelle Madoff:

The request was names and salaries.

Mr. Fein:

Have they supplied —

Michelle Madoff:

They have supplied salaries and no names.

Mr. Fein:

Have they said they won't supply the names?

Michelle Madoff:

They said they will not supply the names, yet they said they would do it if

they were requested to it. Council voted to request it. This means nothing to me, because I know the people that work over there, I know how they got the jobs, and I know who works and who's a no-show; and I am not prepared to have a libel suit, but I want to know who the names are.

Mr. Fein:

What the law would be in this, Councilwoman, it would be that any information that's necessary for Council to do its business, and its business in this respect is the approval or disapproval of the rate increase, would be the kind of information that they would have to submit. Now, if Council needs those names in order to deliberate upon the rate request, you are entitled to have the names.

Michelle Madoff:

I feel that we need that. I think Mr. Flaherty is requested it, and I don't know how the other members of this Council feel, but I would like to think that they would be concerned as well.

The Chair:

Do you want to put that in a motion?

Michelle Madoff:

It was a motion, Mr. President. It passed this Council; we voted on it. They just chose not to give it to us.

Mr. Flaherty:

Yes, Mr. President, all members of Council earlier received a list of all the filled slots of employment at Warner Cable without the names, along with their respective salaries. I want to publicly thank Harvey Adams for

providing that information, and I don't think, without his intercession, that Warner Cable would have provided it. I think that's very obvious by the response that they made to Council's request for that information last week in which they just responded in very brief form by saying that the salaries of the six top positions average approximately \$49,000, for those positions.

I believe that it would be crucial, if Council's going to weigh the question of conflict of interests, that Council have those names. My concern was not to raise or having an overriding interest in a conflict of interests. I would hope that each member of Council would be able to decide that themselves; and I think it's a joke to have a legal opinion as to if there is a conflict of interests or not. Let the public decide that.

My main concern was to have the information to weigh in regard to the overall question as to the rate increase. So, without the intercession of Harvey Adams, we would not even have what we do have; and I certainly enjoin with Michelle Madoff in taking the hierarchy, the President of Warner Cable, to task simply because he had said at the public hearing that he would provide this information along with the names and salaries if it was the will of this Council as a body, which it was, and then subsequently, he refused to do that.

The Chair:

If I may, Michelle, do you want to recommit the bill? You said that you asked for information, it was not supplied —

Michelle Madoff:

I am not going to vote for a rate increase anyway under any circumstances.

The Chair:

You're not voting to recommit, okay.

Mr. Robinson:

Mr. President, in conjunction —

Michelle Madoff:

Excuse me, yes, I am voting to recommit. We're not going to go ahead and discuss it without the information we asked for and that we legally are entitled to.

The Chair:

Vote to recommit. Is there a second?

Michelle Madoff:

Vote to recommit so we get the information that we are legally entitled to, according to Brother Richard according to our Law Department, and according the vote of this Council.

Mr. Robinson seconded the motion.

Mr. Robinson:

I'd like to make a comment on that, if I might. At last Monday's meeting I made a request that we secure from Warner a copy of the executed minority trust agreement. It's my understanding that that information has not been forwarded. That information relates directly to the rate increase in that the minority trust agreement would identify for us the procedures under which the minority stockholders not only have involvement in the operation of the company, but what involvement they have in the financial end of the business, which relates to the potential for making money, which relates to Warner's

concern about the investments that they have made already and their inability to pay a dividend; and I was hoping that we would have that minority trust agreement, the executed agreement in our hands, so that we might pursue it.

If I might, a moment of indulgence. I know that oftentimes when we request information, the party from whom we requested is a little sensitive in terms of how we will use it and whether or not we will be responsible in using it. I certainly feel comfortable to indicate that the minority community in Pittsburgh, particularly those 17 organizations that own 20 percent of the share of stock in Warner Cable, are concerned about the issue of the rate increase and are particularly concerned about the issue of the trust agreement, how it operates, and how it relates to them, and that's why I recognize it's a sensitive issue. I think it's one that will not go away, and until Warner Cable gives to this Council a copy of that executed trust agreement, I think that it will be very difficult for them to maintain the kind of credibility that I know they'd like to have in this community, and if there are problems with them forwarding that information to us because they either feel it's confidential or feel that it will be used in a responsible fashion, I, for one, would certainly be willing to work out some arrangement with them so we could satisfy the minority community in terms of its overall input, and I am certainly not impugning the integrity of anyone who's involved with the minority trust or anyone who's working at Warner Cable.

Michelle Madoff:

Mr. President, may I also point out for the record today that in "U.S. News and World Report," Mr. Steven J. Ross, Warner Communications, earned \$2,497,000 for 1982, and before we give

a rate increase to Warner, they can give us a certified audit and we'll put it up for bid again.

Mr. Stone:

Mr. President, I want to leave the rate alone for minute. Let's not even talk that issue. What Michelle has now brought up is totally unfair on this particular issue. That's a different corporation, different corporation, and whether he gets \$90 million, and that corporation, as I gather from what's here, is of no consequence in this particular corporation. They have done nothing in this corporation for which he's getting more or less money. They're two separate corporations, and as I understand it from a letter — I don't know who had last time, whether you had or Sophie, and this goes into this matter of salaries.

I don't know that we should be told exactly what individual's getting this or what individual's getting that. I think it is a proper question to find out in this corporation who's getting a heck of a lot money and is that at the expense of showing a return and that's fair, but as I recall something to effect that — I don't know who has that letter, one of you got it last week, I think it was on Wednesday — and in that letter, if my memory serves me correctly — maybe I have it here, here it is the total salaries of the top six positions of Warner Cable of Pittsburgh is \$297,241.00 or an average of \$49,540.17, and I recall somewhere along the line it was my understanding that no one is getting more than \$75,000.00 —

Mrs. Masloff:

Seventy thousand dollars.

Mr. Stone:

Seventy or whatever it is but I think there was a limit there. As far as the identity of those individuals, it would appear to me that's not proper, but as far as if somebody's getting a heck of a lot of money which is draining the moneys I think that's a proper question, in fairness.

Michelle Madoff:

Mr. President, I beg to differ. I don't think the public is naive enough to believe that the holding company of this local TV cable contract, first of all, as Tom Flaherty pointed out, did not put in their initial, I believe it was — you brought up the point Mr. Flaherty that they did not put in the initial capital investment they were supposed to put in.

Let us go back and use Duquesne Light as an example. The Allegheny Steam Heat was a wholly owned subsidiary of Duquesne Light. If they could not have divested themselves of it, they would have had to eat the losses if they had not sold that steam heat company and have to live with what the P.U.C. regulations were.

It is a fact, Mr. Stone, and the public is not naive, that the parent company owns this operation and will reap the benefits if this is a successful operation and the profits thereof, did not put up any capital for this; and for you to say, sir, that a \$2 million salary to the President of Warner has no bearing when they're coming for a 30 percent increase, I do not believe how you can make a statement like that.

Mr. Stone:

Michelle, the parent corporation has a stock interest in this corporation. In that sense, they have an interest, but

nothing more than that. It's a separate corporation.

Michelle Madoff:

Who gets the profits, Mr. Stone? Doesn't the parent company get them?

The Chair:

I believe the issue is clear there now.

Michelle Madoff:

The issue is very clear. The parent company benefits from this operation, or they wouldn't have bid on it.

The Chair:

Roll call vote.

Mr. Flaherty:

I am supporting the motion to recommit out of concern for my two colleagues that have expressed a concern, a very rightful concern as to the names of the individuals that work for Warner and also to what is the position of the information concerning the minority trust. I think these two concerns are clearly within the purview of what this Council as a whole is entitled to. I quote the last paragraph of the City Solicitor's opinion of June 16. "Council is legally empowered to request any financial information necessary to assist it in the evaluation of Warner Cable Corporation of Pittsburgh to request for a rate increase, including complete salary information."

So, I feel that we should extend this courtesy to two colleagues which I feel have relative concerns and certainly of great importance in their minds.

Mr. Givens:

I vote no. The reason is that for the past six months, this has been before this Council, and it's interesting to note that we have authorities within the City of Pittsburgh that do exactly report, as did Warner, the amounts of money and the type of job that these people hold. They do not necessarily give names. If we're to do this for this particular company for Warner, why then, should we not do it for our own authorities out there, which many of them make in that nice range of 40 to 50-some thousand dollars.

Michelle Madoff:

Mr. President, am I not correct in assuming that Alcosan supplies the list of names as well the jobs?

The Chair:

Yes. All authorities do.

Michelle Madoff:

It's required to give us the names and the salaries. This would be a very definite exception. We still voted on this contract. I think we have the right to know who's getting the money, and more important than who is getting the money, I still — well, we did request it, and we've just been completely ignored, but that isn't even the issue really right now.

The issue is, should a company get a substantial rate increase? They have not wired the whole City. I think one of the funniest I've ever heard is one the top eschalon attorneys with the law firm representing Warner said to me at dinner the other day, "How come they're asking for a rate increae and they haven't wired my house yet?" and I said, "That's the question I'm asking. Go ask your colleague." I think that really goes to

the issue. I think they've got a lot of gall, and I don't you can separate the parent company from the local company, and anybody that does that is going to look very bad to the public.

Mrs. Masloff:

I have two questions. First of all, listing the names of people on the jobs and the salaries that they make is a poor business practice. That puts those people in those jobs in a position to be hustled by other companies and offered more money. So I think as long as we have the list of the positions, I think that's adequate. Another thing, Bill Robinson, I thought that you got a complete report from the minority. I didn't know that there was anything more that you wanted from the trustees of the minority.

Mr. Robinson:

I have never received a copy of the executed trust agreement. The agreement itself determines how the trust is to function and how it functions in reference to the Board of Directors of Warner Cable. That information has been unavailable.

Mrs. Masloff:

Did you ask for it?

Mr. Robinson:

Yes, last Monday. Mr. Perry, I believe sent a letter, a copy of which I received, and there has been no response, to my knowledge.

Mrs. Masloff:

I wasn't here last Monday. I thought we had that. I vote no.

Mr. O'Malley:

First of all, I don't feel that this Council should be in this position of voting whether Warner gets a pay raise or doesn't get an increase. It's beyond me how we got put in that position in the first place, but since we have that obligation that we must vote on an increase, I think my colleagues are entitled to all the information they want, that's going to help them in that decision. I vote aye.

Mr. Robinson:

I'm going to vote aye, not only because I seconded Mrs. Madoff's motion, but one, because we have been unable to get material that we have requested. To my knowledge, no attempt has been made to try and provide us with this information, taking into consideration all the confidential issues.

Two, I think that Council will remember last Wednesday I made a great issue of having the bill discussed at that time and giving to members of Council an opportunity to thoroughly examine what was being requested. I still believe that this bill should go into committee, that the bill should be discussed, that we should be able to get the information that we need.

Thirdly, I think it is imperative that we get some expert assistance in reviewing the figures that have been submitted to us by Warner. The Cable Advisory Committee did a very outstanding job in reviewing the documents, and even they felt that they were not professionally qualified to go into a detailed analysis, and they suggested that this Council secure help. Unfortunately, we did not provide the committee with help. Unfortunately, we have not provided ourselves with help, and I think if this bill is recommitment,

that we will give the Warner request a fair and honest appraisal, and I think that's all they're asking for. so, I'm going to have to recommit the bill.

Mr. Stone:

No.

Mr. Woods:

No.

The Chair:

No.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson

AYES 4 NOES 5

(MR. GIVENS, MRS. MASLOFF, MR. STONE, MR. WOODS AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Michelle Madoff:

Mr. President, for the record, I forgot to mention something. As Mr. Robinson just pointed out, even the Advisory Board said that they needed a fiscal advisor, which I've been trying to

get since 1981, for this Council to look at rate structures, etc.; but more important, more important, Warner had the option to come to this Council almost ten months ago before the election and ask for the rate increase, and they knew darn well before the election they would not have got it.

Mrs. Masloff moved to approve the rate increase.

Mr. Givens seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

I weighed this issue in an extremely close vein, and I feel that it is unfortunate that Council cannot wait another week to answer the legitimate concerns of some members of Council, and I think those concerns are a value to Council as a whole as to how we would act on the proposal. I, though, am going to oppose the rate increase, in concise terms because I think it would be rewarding the business judgment of Warner Cable, which I feel was way off in its projections. In view of that if has turned out to be a very poor judgment.

I turn primarily to two items which I believe are the most crucial. When Council originally granted the franchise to Warner, we were under the impression that the debt-to-equity ratio was going to be evenly split between Warner Cable of Pittsburgh and the parent company. Subsequently, there was a shuffle where the debt ratio was put entirely upon the burden of the parent company; and it seems today that the subscribers are going to assume a burden of that zero to 100 percent, the debt-to-equity ratio. So I have real concerns in that regard, and I feel that today a vote for this rate

increase would condone that action, which, as far as my information has shown, was completely unprecedented ever for a cable franchise to do.

I think it was a very shrewd move on behalf of Warner-Amex or Warner Cable Corporation. I had asked that question at the public hearing as to who made that decision, and no one said that they knew. Well in regards to who made that move, I think it was very shrewd on their behalf, but I am not going to concur with it and put the burden on the 70,000 subscribers that we now have.

Also, the original projections back in '79 would be that Warner would have, for example, in the year 1982, 149 employees; actually, they have 447. The original projection for '83 is 175; the current projection is 419, and so on; so actually, the increased number of employees has added more than \$6 million annually to the operating expenses, and it does not seem that the number of employees will be reduced at all in the future.

Once again, a very poor forecast that Warner Cable presented to this Council, and they certainly have their reasons to substantiate it, but I think that the forecast would not have become so bad if they would have had invested substantially in the beginning in pre-engineering studies along with other precautionary measures.

We have heard that Warner Cable has financed their debt at anywhere from 18 to 21 percent, and there are homeowners out there that have financed homes the past few years at 18 to 21 percent, but those homeowners do not come to the government and ask them for relief. What they do is they refinance their homes, and I don't see any impediment for Warner as to why

they cannot refinance some of their construction costs. In fact, this suggestion was brought forth at the public hearing and inadequate information was given or, depending on your opinion, no answer was given as to why they did not pursue this course. Perhaps the reason why they will not pursue this course is because, once again, the subscribers will pay for it.

In closing, I do want to commend Warner Cable. I think they have made a substantial commitment to this City. As far as minority hiring, I think it is most commendable. I think their Qube system is indeed, in a comparative sense, one of the most innovative in the country. However, I feel that some of the burden should fall upon the shareholders and not completely or not out of balance on the subscribers, and I seem to believe very strongly that we are seeing it in this rate proposal increase.

Mr. Givens:

I vote aye for the following reasons. If one would look at it and really digest what is happening here, of the five levels of service, the level three service will be increased \$1.55 a month. The Tier IV and the Tier V service will be increased by \$2.05 a month. When you look at our attachment to this and if you look at Tier I and II, which have not been touched, they are receiving in the neighborhood of 17 channels, and on Tier II, 22 channels for some \$5.00 a month. I think this is a great improvement and the people who just wanted good reception and a few additional things their community stations was fine.

On Tier III and Tier IV, it increased up to Tier III, 33 different channels; Tier IV, 52 channels; and Tier V, 66-almost additional channels have been generated. It's been three and a half years since this company has come in ask

for any increase whatsoever. Now, if we would take any company that was to build, and looking out this window and seeing that's about two to three years to build a particular building out here; this Council has given tax relief for those people to build that building, and while they're building it, we do not tax them. Here we have a company that's been three and a half years now building a system that all of us, I think, must agree is one of the finest in the country. It's been told not only to myself but to others. All you have to do is travel a little bit, and you know what the situation is there.

The greatest increase on that \$2.05 and the \$1.55 is the expansion of movies, the news, and the sports; there are the three major areas. Ladies and gentlemen, that is entertainment. That is amusement. When you look at the financial picture of this company, it is in dire straights. We are to have legislation come before this Council that will depict plant closings. If any company, whether it be Warner or any other company, not receive some justifiable returns on their investment, then they will go under. If we want to see poor service and maintenance of this particular system, don't vote on this particular rate increase, because eventually they'll have to cut back on staff. Eventually, when your system goes down because of a thunderstorm or two, they're not going to have the crews to come out there like Duquesne Light does, like Bell Telephone does, and the other utilities.

If we look at this as a utility, and as we sit here in Council, we must make judgment upon this company as does the Public Utility Commission. I think this rate increase, as reported by the Bureau of Cable Communications where we have a staff down there that has been working on this proposal for six months, indicated that the proposal was reasonable, that

the raise was a reasonable rate. I think all of us, if we'd have to rate all of our departments and how effective they are in conducting their business, that the Bureau of Cable Communications would have to have a Class-A star in front of it.

They are very adamant in staying to the letter on the contract in this particular service that is rendered to the people of the City of Pittsburgh. True, there has been some concession made in this particular piece of legislation that's before us, and one primarily is that Warner will not come back until at least August of 1984 for any type of a rate increase or until the Cable Bureau certifies Warner as serving all the people.

Secondly, for those people that have not been hooked up there will not be a rate increase in this to hook-up itself. That will remain the same, 19-some dollars, I believe, whatever it is. I'm not trying to justify Warner Cable. I'm not going to try to justify some of the remarks that have been made personally about my family. I'm very proud of my family. I'm very proud of my daughter. I'm very proud of my eight children and the 56-some nieces and nephews that I have from my immediate family that are eight boys. I am very proud of that fact, and it hurts me very deeply when people bring a very personal issue into something.

If I had felt that my vote here today and that any member of my family working in any of the businesses within the City of Pittsburgh, and when you think of some 56 nieces and nephews, along with the brothers and the sisters and the aunts and uncles and a cousin that is sitting right next to me, right here, one would have to say that I could not vote on anything that happens within the City of Pittsburgh. I have brothers

that work for Duquesne Light. I have people working for Ma Bell. I have people working with facets of every industry. I take it very personal, but I think overall, I want this company, Warner, as any company in the City of Pittsburgh, to be a productive company, to pay their employees adjust, right, fair. It is noted that there is no union at that particular company, obviously, because looking at some of the wages they are paying them according to the technical expertise that they need in this particular new industry that we are in.

I submit again, that if we do not vote for this particular proposal, we will see the long-term deterioration of the system. Thank you, Mr. President.

Michelle Madoff:

I don't believe what's going on here today, although I do believe it, because I knew this was exactly what was going to happen, that there would be five votes. That was setup so that we would not be voting until after the election. You cannot separate the parent company from the local company. They will reap the profits. They're coming back again next year, they've already alerted us, asking us for another rate increase. The Warner Cable Advisory Committee itself said they are not qualified to rule on whether Warner should have a rate increase, because they don't have a fiscal advisor. Yet this Council, which has not studied as in-depth as the Advisory Committee, is prepared to make a decision today, which is unbelievable to me.

They could have come in here eight months ago, ten months ago, did not. They've already had a rate increase on the areas that we have no control over here in Council, on the Home Box Office, etc., and I asked one of their executives on the board of Warner, bumped into her

at lunch and said, "If you're hurting so much, why don't you give us a certified audit?" My accounting friend suggested this. We'll put the Warner Cable Contract up for rebid, and we know it's a good deal because of the topography of this City.

Michelle Madoff may have to end up, when she moves, buying the low-level of cable so that I can have topography if I don't get 2, 4, 11, 13, 22, and 53. That would be the only reason I might buy, it for reception. That is a contract that's never going to go sour like New York where it's all level and there's so many other activities and people are bored. I have a letter from someone who says, "I am asking for your help, not just for me, but for many who have no one to speak out for us. I have Parkinson's, and like others, it's hard to write, let alone go out to meetings. When Cable came out, we all had company."

Mrs. Masloff:

You've read that before.

Michelle Madoff:

I'm reading it again. "Now, like food prices, we can't even have this anymore." I think it's an utter disgrace. When I said to this person, "Why don't you put it up for rebid, give us a certified audit," they said no, and I said, "Why not?" and they said, "Because we're going to make money." Everybody who knows anything about Warner, and you don't have to be a rate structure person, knows that the nature of a cable company is to pour millions in, and then you get your money back ten times over, eventually.

They knew, Warner, parent company, when they authorized this contract, entered the request for proposal, knew that it was going to cost

them multi-millions of dollars, but that it was a profitable venture and for them to ask the taxpayers of this City to pick up their losses, which I don't believe are real, don't exist, nor the Advisory Board believes, they can make a judgment on, borders on being not only immoral but criminal, and I will not vote for it.

The Chair:

Are you abstaining?

Michelle Madoff:

No, I'm voting against the rate increase. I will not vote for the rate increase.

Mrs. Masloff:

Aye.

Mr. O'Malley:

There's just a number of things that disturb me about Warner's request for a rate increase, and I'm going to try and be brief. The first thing is the debt-equity ratio Warner borrowing 100 percent of the money that they put into the system in the City of Pittsburgh, and nobody, I mean nobody, borrows 100 percent of the money. If you buy a house or a business, you're required to put down anywhere from 20 to 50 percent. I think what caused Warner tremendous financial difficulties and losing \$8 million this year is that debt-equity ratio of 100 percent.

I'm not so sure that the residents of the City of Pittsburgh should have to finance Warner's miscalculations. By Warner's own figures, they said they made some mistakes with inflation, and they also made some mistakes with high interest rates, but because of the tremendous acceptance by the residents of the City of Pittsburgh, if it wasn't for

the inflation and the high interest rates, Warner would have made \$30 million profit in the last three years.

Also, I'm sure that the residents of the City of Pittsburgh should not have to pay again for Warner's miscalculations. I want to read two brief paragraphs from the newspaper "U.S.A. Today" where it states that Warner just signed a franchise with Milwaukee. We're going to give \$4.95 per month for basic subscribers. It cost Warner \$11 per month, and we can increase the rates for 30 months. Fundamentally, Warner admits that they're going to lose \$6 per month per subscriber and their basic service for the next two and a half years. Now, I would suggest here, if Warner is going to lose \$6 per month in Milwaukee, then I think they should bear the burden here in the City of Pittsburgh, at least until the entire City is wired, which in their estimate is another six months to a year.

It also states in the next paragraph, "If cable companies' projections prove accurate, the industry they're developing eventually will generate billions and billions of dollars in paid-TV revenue," and I think the people here in the City of Pittsburgh, the Warner people realize that they will be realizing a profit just over the horizon. The tremendous start-up cost is now over. I think the profits that Warner's going to reap in the next few years are going to be in the tens of millions of dollars. Right now I think Warner has growing pains, as any new industry has growing pains, and I feel it is the responsibility of the parent company and the responsibility of the stockholders to shoulder the responsibility and the burden for those financial growing pains, and not necessarily the subscribers in the City of Pittsburgh.

If they can subsidize the people of Milwaukee for a tune of \$6 million, \$6

per month per person for the next two and a half years, I think they should subsidize the residents of the City of Pittsburgh for another year until they wire the entire the City, so I vote no.

Mr. Robinson:

I'm going to vote no and I'd like to explain my reasons. I don't want to rehash the two attempts that I've made to have this bill considered by Council in committee, but certainly those two attempts weigh heavily on my decision to vote no. I think that a substantive discussion of this issue in committee would have been helpful to all concerned, and it would have given us an opportunity to consider whether or not we wanted to seek some expert assistance; and that is expert assistance other than the very capable job that Brother Richard Emenecker has done and the cable job that his staff had done, but I think we have to look at the report of the Advisory Committee and recognize that Brother Richard and his staff also work with the Advisory Committee. The Advisory Committee said, "As an advisory body, we have limited financial expertise; therefore, we recommend that an independent financial consultant who is familiar with the accounting practices of a cable television industry be retained to investigate and interpret all financial information submitted to the City by Warner in support of its request for a rate increase, and all sources, documents upon which this information was based."

This report, a portion of which I read, was submitted to us on June 3, 1983, and I believe that we would have done ourselves well and Warner if we had followed this particular recommendation from the Advisory Committee. I also believe that the issue of whether or not Warner's request is reasonable or not does not really strike at the heart of the matter. The heart of the matter is

whether or not this Council believes that any increase is reasonable. We have the power to increase the rates and lower the rates. In committee we could have discussed whether or not the proposal submitted by Warner should have been altered.

I, for one, think there are some adjustments that could have been made in a downward fashion that still would have allowed Warner to recoup some of its losses; and by the same token, not put too much of a burden on the subscribers. Unfortunately, we have lost that opportunity, and I'm very sorry that we did, because I honestly believe that reasonable people can always come to a reasonable solution.

Also, I think that the formal discussion among Council members in committee session would have been very helpful, so that we could have tried to understand each of our own interpretations of the financial documents and the supporting information. The public hearing, which all of us had an opportunity to attend, was for the public, and the public came in and made their input. As Mr. DePasquale said on several occasions, quite often members of Council do not allow the public to speak at public hearings; we speak. Here was a fine opportunity for us to let the public speak and then to go into committee session so that Council members can speak. Again, we did not do that.

I think that it is imperative for our own credibility and for the credibility of Warner Cable that, as we approach future issues around Warner Cable, that we always be mindful that we are treading on unfurrowed ground. It's a new experience for us, but each and every decision that we make reflects not only upon our credibility but the credibility of Warner Cable. We have

given them a franchise to serve our people and we have indicated that we're going to protect our people, and we put into place an advisory committee to help us do that job.

I think that, unfortunately the procedures that have been outlined for us to consider this rate increase have not taken into serious consideration the lack of expertise on the part of members of this Council to make such a heavy decision without being able to support it with substantial information, and certainly there are many qualified people in the cable industry, many qualified consultants that would have helped us.

I am not so much concerned as to whether or not Warner gets the increase or doesn't, but I am concerned that to determine if their request is reasonable and if one we want to grant, that perhaps we did not use all the resources available, and I certainly know that all those resources were not made available to me, and I cannot find any good reason at this point to support the rate increase as presently requested, so I'm going to vote no.

Mr. Stone:

Mr. President, if I may, I've been going up and down with this issue in trying to find something that makes some sense here, and as I reflect back when we first got cable, when it started, what everybody seemed to be wanting was better vision. After that, we got the finest cable ordinance in the country. We got the finest cable system in the country, but this in and of itself does not mean that we owe Warner or anyone else anything. No one wants an increase, but I think that the mistake is some of us think that we have the right to be Santa Claus or the right to be Scrooge; therein I believe lies an error.

There was a contract, an agreement signed by this City with Warner Cable. Each put into that agreement the best that they could get or the best that they wanted. Each must, under that contract, do what they were required to do. They get no more, and they get no less. I'm the first to admit that not all is perfect. Some of the things need a little more attending to than has heretofore been attended to, but I think that some things need more pursuing; but again, that, I think, can be done administratively, and if need be, with our assistance, but I think the issue before us today is a rather narrow one.

The question is, do we, City Council, have a right under this contract to have an arbitrary right to refuse a grant, or for that matter, if they didn't deserve an arbitrary right, to give them an increase? Section 1411 does not say no change is possible; in fact, it contemplates a change, and in that contract, again, it also contemplates a change within 30 months. Thirty months have now passed. They did, however put in criteria, and that criteria was that any request for a an increase had to be reasonable. Our Bureau of Cable Communications found the recommendation, based on financial information submitted, the proposed rates for Tier III, IV, and V and of the basic services meet the criteria of reasonableness.

They did ask us in that recommendation to supplement it with two things, that we get some recommendation from the Cable Advisory Committee, and they came back with no recommendation, so nothing new beyond what the Cable Committee told us that it met the criteria of reasonableness. The next thing was a matter of a public hearing. It is true that no one wants an increase. At that public hearing we did not get any

technical proof which would rebut what the Cable Committee said, and that was, did it or did not meet the criteria of reasonableness.

So we are still faced with the Committees's recommendation, that it meets the criteria of reasonableness. As I stated earlier, I don't think this Council has the right, the arbitrary right to say yes or no, but rather did it or did it not meet the criteria of reasonableness, and it is my belief that if it's not granted here, it's going to be granted in a court of law. Judge Papadakos gave this Council a message relative to our zoning laws. We had believed that we had a right to summarily and arbitrarily say no or yes, and the court has said, "uh-uh; give me some basis on which you've made your decision."

Our basis here is based on our Cable Committee. They said it meets the criteria of reasonableness. While I don't want any increases, as everyone else, I'm faced with a contract that sets some criteria which I didn't set other than that contract lays it out; and the only thing we're faced with that is that it meets the criteria of reasonableness. I must, therefore, vote yes, not because I want it, but because the ground rules were set and the implementation and the criteria have been met. I have no other alternative, regretfully, at this time.

Mr. Woods:

Mr. President, I think it's all been said pro and con, and I believe and like Mr. Stone said, it's already been said. I believe the raise is reasonable. I vote aye.

The Chair:

Apparently, my vote is the deciding vote, and that's rather strange. The last time I voted for Warner, some people

tried to put me in jail. I want to say this. I think the losses justify an increase, and I also would like to say this. It's not compulsory, and no one's brought this out today. If health insurance goes up today, Blue Cross, what have you, we have to retain it or else, and if the utilities raise their rates, gas and light, we have to pay those rates or do without, and obviously, in some cases it's a matter of life and death. But in regards to cable TV, it's not compulsory. You don't have to have cable TV, and I'm going to tell you, very frankly, the only reason I have it is because I get clear reception. I don't like to watch movies 30 days in a row or what have you, and I don't pay that much attention to some of the other programs. Perhaps I'm not home that

much, but I repeat, on account of the clear reception, I got cable TV because they told me that would happen and did happen, but I know when something of this magnitude is at stake, just the fact that I got clear reception is no reason for me to vote for an increase.

I listened to all the testimony. I listened to all my colleagues and heard their remarks, and after digesting it all, I feel that they're convinced that they've suffered severe losses for whatever reasons, inflation, and what have you, and therefore, I vote for an increase.

Mr. Robinson:

Mr. President, I'd like to have a copy of the report of the Advisory Committee included in the record please.

(COPY OF THE ADVISORY COMMITTEE'S REPORT - WARNER RATE INCREASE)

THE WRITTEN REPORT OF THE PITTSBURGH CABLE COMMUNICATIONS ADVISORY COMMITTEE TO CITY COUNCIL ON WARNER CABLE CORPORATION OF PITTSBURGH'S REQUEST FOR A RATE INCREASE

June 3, 1983

Throughout the planning phases and the subsequent development of a cable franchise for the City of Pittsburgh, voices of leadership including the Mayor, the Superintendent of the Cable Bureau, members of City Council, representatives of major institutions, various individuals from our community and this Advisory Committee expressed hopes that the cable system in our City should be more than just a delivery system for additional television signals. We and they urged that our cable system should be a community communications model with widespread benefits for our entire City.

It was our understanding that in order to be successful the cable system should achieve two goals: 1. be a viable business venture and, 2. provide the kind of services, community involvement and information for City residents that would enhance the quality of life in our City. We would like to address both of these goals in this report.

THE CABLE SYSTEM SHOULD BE A VIABLE BUSINESS VENTURE

As an advisory body, we have limited financial expertise. Therefore, we recommend that an independent financial consultant who is familiar with the accounting practices of the cable television industry be retained to investigate and interpret all financial information submitted to the City by Warner in support of its request for a rate increase and all source documents upon which this information was based.

We also recommend that this independent financial consultant should include in the investigation and interpretation the following areas of inquiry and examination which Brother Richard Emenecker specified in his Report on Warner Cable Corporation of Pittsburgh Basic Service Rate Increase Request under recommendation #1, B - 1) Debt to Equity Ratio, 2) Expenses, 3) Sources of Revenue, 4) Depreciation Schedule, 5) Reduced Subscriber Revenues, and 8) Basic Service for Institutions

THE CABLE SYSTEM SHOULD PROVIDE THE KIND OF SERVICES, COMMUNITY INVOLVEMENT AND INFORMATION FOR CITY RESIDENTS THAT WOULD ENHANCE THE QUALITY OF LIFE IN OUR CITY

We believe that City Council in its deliberations should examine not only the financial information that Warner Cable Corporation of Pittsburgh has submitted to substantiate its rate increase request, but that attention must also be directed to the concept of community communications and all the commitments which Warner has made to our City. We bring then the following concerns to your attention.

1) Neighborhood Studios

The five neighborhood studios are now fully operational. Television productions and training workshops have been on-going. Reasonable operating rules for these studios have been developed by Warner in consultation with our Advisory Committee. Our Committee has been encouraged by the number of productions and the level of interest shown by many individual producers.

Problems still remain, however, in many aspects of community programming, such as concerns about equipment failures (see attachment #1), long waiting lists for training sessions, and the minimal participation on the part of organizations and neighborhood groups.

2) Separately Programmable Community Area (SPCA) Borders

One of the construction problems that has been brought to our attention is that in the building of the system, the borders of the five SPCA's (Separately Programmable Community Areas) have not been adhered to in certain locations. At the present time, Warner admits this involves 178 subscriber homes. These boundaries have been determined by ward lines and are clearly designated in the Cable Ordinance passed by City Council.

Non-adherence to these borders can have long-term effects on community programming. If these borders are not maintained as designated, it will be harder to convince neighborhood groups that it is worth their time and effort to produce community programming, if the target audience is not connected to their specific area.

3) Minority Involvement

Since its establishment by City Council, the Advisory Committee has been concerned that "meaningful" minority involvement would be a significant part of the cable communications system in Pittsburgh. Warner's minority hiring practices have reflected those concerns and are commendable.

We believe, however, that City Council should review Warner's intention to offer "meaningful" participation to the seventeen (17) minority groups that have a 20 percent ownership share in Warner Cable Corporation of Pittsburgh. The Pittsburgh Courier article which is attached (#2) outlines the latest discussions between Warner-Amex Chairman, Drew Lewis, and these minority shareholders.

Warner has promised to involve these 17 minority groups in all operation and programming policy decisions through the company's annual meeting of stockholders, and, in addition, through meeting periodically (at least three times a year) with the three voting trustees of the shareholders to discuss all matters of concern, including community participation, access, programming and operation (see attachment #3).

We believe that Warner should continue its local shareholders' involvement in the development of the Pittsburgh system. City Council should invite comments from them concerning their participation during the past three years in operation and programming decisions.

4) Institutional Network

In its proposal, Warner Cable Corporation of Pittsburgh insisted that the Institutional Network was not just an "empty promise" (see attachment #4), but as yet no overall engineering design or construction schedule has been submitted to the City.

A third cable ("C") for use by institutions was to be installed along with the "A" and "B" subscriber cables, thereby minimizing construction costs. If the "C" cable is installed after the subscriber network is completed, there would be additional construction costs. We are concerned that these additional costs would be passed on to the residential subscribers or used as part of the rationale for additional rate increases.

We concur with the Superintendent's report (pages 28 & 29) that Warner should be required to fulfill the commitments it has made to Pittsburgh institutions (including police, fire and EMS stations) regarding channels and services on the institutional network. In addition, Warner should be required to comply with the basic service rate provisions of the franchise agreement for service to the institutions.

We recognize that institutional use of the cable communications system needs time and effort to develop. This is a unique technology, and ours is a unique City. It takes time to bring institutions and technology together.

When Warner staff presented information to our Advisory Committee in December, 1982 about this particular institutional network, the discussion was discouraging. The Company's attitude was one of waiting for user demand before constructing the institutional network. This is a clear change from the attitude communicated in its proposal. We believe that Warner must continue the educational process and work closely with Pittsburgh institutions to support the growth of this aspect of the cable system.

In the Warner rate increase material, there is note of the revenue that will be generated by the institutional network from the business community. We need this valuable

technology for more than data transmission and other commercial purposes. We need to hear more specific plans from Warner about the institutional uses planned for this network and not just its commercial business applications.

5) Programming Commitments

We agree with the Superintendent's recommendation (page 30 of his report) that there is a need to receive firm programming commitments for the rates charged. Subscribers need to know exactly what they will be receiving at the rates charged. If programming changes are made, there must be firm assurances that substitutions of similar programming, or a decrease in the rates, will occur.

In conclusion, we agree with the recommendations of the Superintendent that public hearings should be held by City Council on the rate increase. We want to emphasize that these hearings should have a dual focus: 1) a review of the Warner financial data, and 2) a review of the related areas of cable service commitments made by Warner to our City (see attachment #5).

These hearings will provide City Council with an opportunity to bring to the foreground once again the concerns that the City should have that Warner provide what it has contractually agreed to in terms of services and facilities, not only to cable subscribers, but to the entire Pittsburgh community.

Finally, it is our recommendation that the City should use the enforcement provisions provided in the Pittsburgh Code and the franchise agreement to assure Warner Cable Corporation of Pittsburgh's full compliance to their contractual obligations.

We recall Warner's own words which are taken from Section 7 of their proposal: "Warner hereby affirms its commitment to the City and to Pittsburgh institutions to provide all of the service opportunities detailed in this proposal. WARNER CABLE IS NOT INTERESTED IN EMPTY PROMISES — WE INTEND TO DELIVER ALL SPECIAL SERVICES AND SPECIAL SYSTEM FEATURES DETAILED IN THIS PROPOSAL."

ATTACHMENT #1 MONTH APRIL

COMMUNITY COMMUNICATIONS

	<u>EQUIPMENT DOWN</u> <u>TIME (EDT)</u>	<u>PEOPLE NOT SERVED</u> <u>DUE TO EDT</u>	<u>NUMBER</u> <u>RESCHEDULED</u>
SPCA #1	9	6	6
SPCA #2	32 Portable 1 Film chain	3	3
SPCA #3	8	5	5
SPCA #4	0	0	0

SPCA #5	0	0	0
<u>TOTALS</u>	50	14	14

ATTACHMENT #2

WARNER CRIES BROKE, "WAIT SHAREHOLDERS"
By Phil Taylor - Courier City Editor, The Pittsburgh Courier

Representatives of 17 minority organizations who own 20 percent of Warner Cable's stock, met Tuesday, during a private meeting at company headquarters only to be told by a high ranking official that the Pittsburgh operation is still in the red and it may not be until 1987 that their shares pay dividends.

The organization heads were called to Warner to hear Drew Lewis, Chairman and Chief Executive Officer of Warner-Amex Cable Communications Inc., which the Pittsburgh operation is affiliated with.

The meeting was closed to members of the press. Maany of the representatives were questioned while leaving Warner following meeting.

When questioned if the gathering yielded any new developments one observer responded, "Nothing". Others said they were told that the company miscalculated the projected revenue that Warner would yield. Others said there was discussion regarding a rate increase the company has requested from City Council and said they were informed it was needed for the company to start showing a profit.

A handout given to shareholders cited that the company had an outstanding debt of \$94,000,000 by the end of February. Warner also said the number of subscribers in the next four years and greater market penetration will play a significant role in the company turning profits.

Some of the representatives of the 17 organizations said they had no recourse but to take a "wait and see" approach.

Warner Cable Communication's pact to grant 17 local minority organizations 20 percent ownership of their franchise, was the determining factor which led to their securing local rights, by a City Council vote in February, 1980.

Warner's then unprecedented move three years ago drew national attention along with praise from the local NAACP and others who stressed that Pittsburgh's Black community have vocal input in the City's cable future.

After three years, the 17 organizations which own stock are still pondering when the company will make its promise good.

Ted Campbell, President, stated last May (Courier Edition 5/8/82), that Warner had "....no qualm about paying a dividend to the shareholders and whatever is due will be paid out." However, the company on many occasions has pointed out they have failed to turn a profit and are operating in the red.

Last May, Campbell also stated there never was any real question of the company's commitment to pay dividends to the minority stock shareholders. That the only remaining question would be when Warner could begin paying dividends. He remarked then, it would be three or four years before the community organizations could expect any profits.

ATTACHMENT #2 (Cont'd)

WARNER CABLE MINORITY SHAREHOLDERS

Allegheny Union Baptist Assoc.	2.7%
African Methodist Episcopal Church (Pittsburgh Conference)	2.5%
Allegheny Conference A.M.E. Zion Church	2.5%
Black Catholic Ministries	1.5%
Ozanam Strings (Defunct)	0.5%
Warren United Methodist Church	0.5%
Church of the Holy Cross Rectors Discretionary Fund	0.5%
Lemington Home for the Aged	1.5%
Bidwell Cultural & Training Center, Inc.	1%
Pgh. Opportunities Industrialization Center (OIC)	1.25%
Negro Emergency Education Drive (NEED)	1.25%
United Negro College Fund (UNCF)	1%
Freedom Unlimited	1%
Urban League of Pittsburgh	1%
Hand in Hand, Inc.	0.25%
Bidwell Education, Music & Recreation Center, Inc.	0.5%
Bethesda Corporation (related to Bethesda United Presbyterian Church)	1%
Total Minority Shares	20.45%

ATTACHMENT #3

Warner representatives have stressed the significance and financial reward associated with long-term participation and the community organizations have indicated that their interests are long-term.

6.10 Detail the role local investors will have in the decisions of applicant relative to operational and programming policies and procedures.

6.10 - The community organizations will participate in all Warner Cable Corp. of Pittsburgh's decisions -- including operation and programming policy decisions -- as voting stockholders and through membership on the Board of Directors. In addition, the stockholders have empowered Doris A. Smith, Esq., Rev. Isaac Green, and Father Augustus Taylor to meet periodically (at least three times annually in addition to the annual meeting of stockholders) with

the management of Warner Cable Corp. of Pittsburgh to discuss all matters of concern including, without limitation, community participation, access, programming and operations. Such matters of concern shall be presented to management with an accompanying written report; and Warner Cable of Pittsburgh management shall be required to respond in writing to such reports within a period of three (3) weeks.

- 6.11 Does applicant have any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency?

☐ yes ☒ no

If "yes" submit a statement of (a) the nature of such obligations or securities, (b) the face or par value, (c) the number of units authorized, (d) the number of units issued and outstanding, (e) the number of units, if any, proposed to be issued, and, (f) the conditions or contingency upon which securities may be voted.

- 6.12 Is the applicant a publicly held corporation as defined by the rules and regulations of the Securities and Exchange Commission?

☐ yes ☒ no

ATTACHMENT #4

Warner Cable of Pittsburgh will, of course, provide access to its system for program distribution to other public and non-profit institutions in Pittsburgh as the need develops.

Warner will cooperate with non-profit institutions in Pittsburgh by making video modulators available, either on a loan basis or through at-cost purchase arrangements. Additional video equipment can also be purchased by Pittsburgh groups who wish to take advantage of Warner's national volume discount prices from vendors. The Educational Program Director in Pittsburgh will assist local institutional groups in co-production and co-procurement of educational and informational materials, to avoid duplication of resources.

A number of statements of interest in cable communications have been made by Pittsburgh institutions. The City will recognize that an understandable reluctance exists to make firm programming and service commitments to a cable company until after the franchise is awarded. Warner hereby affirms its commitment to the City and to Pittsburgh institutions to provide all of the service opportunities detailed in this proposal. WARNER CABLE IS NOT INTERESTED IN EMPTY PROMISES — WE INTEND TO DELIVER ALL SPECIAL SERVICES AND SPECIAL SYSTEM FEATURES DETAILED IN THIS PROPOSAL.

ATTACHMENT #5

IN THEIR MEETINGS WITH WARNER REPRESENTATIVES, THE CABLE
COMMUNICATIONS ADVISORY COMMITTEE ASKED THE FOLLOWING QUESTIONS
AS A PART OF THE PROCESS WHICH LED TO THE RECOMMENDATIONS
CONTAINED IN THIS REPORT

- When will the ratio of debt to equity change?
- Why are projected capital equipment costs still so high since the system is almost built?
- Will tiers I and II be dropped?
- Will security system devices be offered?
- Do you expect to lose many subscribers if a rate increase is granted?
- When do you expect to begin making a profit?
- Should a senior citizen's discount be granted?
- Will you be coming in for additional increases?
- How does Warner project costs when submitting a proposal for a franchise?
- Why were the personnel projections wrong?
- What then was right about this proposal?
- Are belt-tightening procedures being considered?
- Do we know what Warner's income is?
- Do we know what portion of that income is taxable?
- How did you work out your depreciation schedule?
- Do you expect to increase advertising revenues in the future so that the need for a rate increase may be reduced?
- Which of your projections do you expect to be accurate?
- Why are capital expenditures still so high?
- What is your payment schedule on your debt to the parent company?
- Will a rate increase enable you to begin to make payments on the principal?
- How many rate increases will you need before that can happen?
- How can you give value to stock with such a great debt?
- Would you go out of business if you didn't get a rate increase?

PITTSBURGH CABLE COMMUNICATIONS

ADVISORY COMMITTEE

At Large - 3 Year Term

1. Rev. Ronald Lengwin (Chm.)
3250 California Avenue
Pittsburgh, PA 15212
766-2824 (H) 281-1682 (O)
2. Dr. J. Fred Gage
1239 Denniston Avenue
Pittsburgh, PA 15212
421-3883 (H) 624-4480 (O)
3. Harold Blye
7709 Bennett Street
Pittsburgh, PA 15208
371-4770 (H) 231-5757 (O)
4. Samuel F. Blaufeld
5317 Pembroke Place
Pittsburgh, PA 15232
683-3377 (H)
5. Dr. Richard M. Berlin
1118 No. Euclid Avenue
Pittsburgh, PA 15206
361-2133 (H)
6. Sherman Wellons
120 Climax Street
Pittsburgh, PA 15210
381-8986 (H)

Districts - 2 Year Term

1. Martin Tyler
1544 Massachusetts Avenue
Pittsburgh, PA 15212
761-1939 (H)
2. Helena G. Hughes
4433 Schenley Farms Terrace
Pittsburgh, PA 15213
687-5832 (H)
3. Joseph P. Davis
226 Evaline Street
Pittsburgh, PA 15224
362-1857 (H) 661-2919 (O)
4. Hedda Sharapan
4478 Parade Street
Pittsburgh, PA 15207
421-4643 (H) 687-2990 (O)
5. William Friedman
2396 Valera Avenue
Pittsburgh, PA 15210
881-7998 (H) 456-5133 (O)

EX-OFFICIO

Brother Richard Emenecker, F.S.C.
Superintendent
Bureau of Cable Communications
City of Pittsburgh
301 City-County Building
Pittsburgh, PA 15219
621-8195 (H) 255-2745 (O)

E. H. Campbell, President
Warner Corp. of Pittsburgh
1400 Penn Avenue
Pittsburgh, PA 15283

Councilwoman Sophie Masloff
Council of the City of Pgh.
510 City-County Building
Pittsburgh, PA 15219
255-2137

456-1111

Revised 5/10/83

(END OF REPORT)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. Stone	(Pres't)

AYES 5 NOES 4

(MR. FLAHERTY, MICHELLE MADOFF, MR. O'MALLEY AND MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

Mr. President, if you will indulge me a moment. The new President of the — on our state politicians, I don't remember his name, who's now with Warner —

The Chair:

Wait, Michelle. We voted now; the issue is clear.

Michelle Madoff:

I just want to point something out to the public. The public has the option now of keeping, as you said, keeping the

cable or not keeping cable. When he was interviewed, he said — I think it was Bill Green; I'm not sure if I have the right name — that it will probably lose a lot of people if we raise the rates.

Now, I'm willing to bet that many people are going to drop the cable contract, and I certainly urge those to keep only what is absolutely necessary, because if they allow this to happen, they're going to be hit every year, and they're going to know that the subsidies will come out of the taxpayers' pocket.

Mr. Stone:

Mr. President, we voted. It's a closed subject. Let's go on.

Mr. Flaherty:

I just have a brief motion. It was brought out at the public hearing for the first time that Warner-Amex had given an infusion of approximately \$13 million to Warner Cable of Pittsburgh to increase the debt-equity ratio. I know in my conversations with the Bureau of Cable for the City that they have not received any verification from Warner as to where the \$13 million is going to be utilized, and I think that it's incumbent that our own Cable Bureau have that in writing from Warner Cable as to where they are going to utilize that \$13 million. So I put that in a form of a motion.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Flaherty:

It's simply a technical matter.

The Chair:

You just want that information?

Mr. Flaherty:

Yes.

Mrs. Masloff:

Mr. Flaherty, I don't understand.
Repeat that.

Mr. Flaherty:

Yes, the \$13 million. Now, I had subsequently spoken to Brother Emenecker at the Cable Bureau as to how that \$13 million, in very concise, very simplistic terms, affected the bottom line of debt, where that \$13 million infusion was going to be utilized in the debt-equity ratio, and he couldn't answer me those questions because, he said, that it is still hazy in his mind. So I feel that it would be in the best interests of the City that Warner kindly pass that information on in written form to our Cable Bureau, just so we will have a clearer understanding of their financial structure.

Mr. Flaherty presented

No. 3220 Resolution amending Res. No. 166, eff. March 7, 1983, entitled: "Resolution providing for a Contract/s including the use of existing Contracts in connection with Renovations of Various Public Buildings" by increasing the amount from \$25,000.00 to \$50,000.00 with the additional funds chargeable to and payable from LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Dept. of Lands and Buildings.

Also,

No. 3221 Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library of Pittsburgh in connection with the rehabilitation of the Central Branch at a cost not to exceed \$427,851.74 chargeable to and payable from LB 82-05 (4-25-10-1980-82) \$227,851.74 and LB 83-10 (4-25-10-1980-82) (\$200,000.00), Carnegie Library Central Branch to Improve Processing, Maintenance Operation and Public Areas, Dept. of Lands and Buildings.

Also,

No. 3222 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to the publicly owned property in the 22nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 8-H, Lot 261, under the Industrial Land Reserve Fund.

Also,

No. 3223 Resolution providing for a license to Duquesne Light Company for the installation of one (1) anchor on City property fronting on North Shore Road, 22nd Ward, designated as Block and Lot 8-J-98 in connection with electrical service to the area.

Also,

No. 3224 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3225 Resolution providing for the issuance of a warrant in favor of Casey Company in the amount of \$12,600.00 in payment for Extra Work furnished for the benefit of the City in connection with the Reconstruction of the Radcliffe Street Bridge, chargeable to and payable from Code Account PW 80-16, 4-01-05-0423-80, Radcliffe Street Bridge Replacement.

Which was read and referred to the Committee on Finance.

Also,

No. 3226 Resolution amending Resolution No. 851, approved August 12, 1982, effective August 20, 1982, entitled: "Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of Monroe Street Reconstruction; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the project allocation from \$33,000.00 to \$34,750.00.

Also,

No. 3227 Resolution further amending Resolution No. 1261, approved December 3, 1981, effective December 11, 1981, as amended by Resolution No. 1240, approved November 30, 1982, effective December 7, 1982, entitled: "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with a Consultant or Consultants for Engineering Services in connection with Street Lighting Design; and providing for the payment of the cost thereof," by increasing the project allocation from \$31,400.00 to \$66,600.00.

Also,

No. 3228 Resolution providing for

a Contract or Contracts for the Reconstruction of the Bloomfield Bridge, Phase IV, including the intersections of Bigelow Boulevard and Liberty Avenue, work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation, at a cost not to exceed \$9,325,000.00.

Also,

No. 3229 Resolution granting unto St. Francis Hospital, its Successors or Assigns, the right and privilege to construct at its own cost and expense a Pedestrian Bridge over and across 44th Street from the Medical Office Building and the Parking Garage in the 9th Ward, City of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

The Chair:

At this time, I would like to announce, and we're very privileged and honored to have a group of people here representing 15 or 17 African nations and the nation of Haiti. I understand that there is a Francophile African Development Management Seminar going on at the University of Pittsburgh at the time with 50 French-speaking top officials from 17 African countries and the nation of Haiti, and I want to say to you, ladies and gentlemen, it's a pleasure and a privilege to have you here. I would like to see everyone give you a round of applause.

Mrs. Masloff moved to excuse Mr. Stone from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff presented

No. 3230 An Ordinance amending the Pittsburgh Code, Title Three, Water Article III, Chapter 317, Waste of Water, Section 317.01, Owner Maintenance of Private Water Service Lines by revising the definition of responsibility by the Department of Water to include the maintenance of low water pressure, lines and volume and clogged lines.

Which was read and referred to the Committee on Water.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3231 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment for extra work involved with the City Controller's Contract No. 25557, involved with the cleaning, repair and cement lining of the 50" water line in Boundary Street, at a cost not to exceed \$56,660.00 payable from Capital Budget Account No. WD-81-06. Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3232 Resolution authorizing the issuance of a warrant in favor of Eastern Mobile Power Co., Inc. in the amount of \$699.45 in payment for services in connection with the Summer Recreation Program, chargeable to and payable from the Special Parks Program

Trust Fund, SPPTF, Department of Parks and Recreation.

Also,

No. 3233 Resolution authorizing the issuance of a warrant in favor of David P. Bush in the amount of \$375.00 in payment for services in connection with the Summer Recreation Program, chargeable to and payable from the Special Parks Program Trust Fund, SPPTF, Department of Parks and Recreation.

Also,

No. 3234 Resolution authorizing the issuance of a warrant in favor of the San Antonio Zoo in the amount of \$370.00 for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation.

Also,

No. 3235 Resolution authorizing the issuance of a warrant in favor of Supreme Exotic Birds Inc. in the amount of \$358.00 in payment for the purchase of birds for display at the Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation.

Also,

No. 3236 Resolution authorizing the issuance of a warrant in favor of the Pittsburgh Garden Center in the amount of \$4,983.95 in payment for the emergency repair of a gas line serving the Pittsburgh Garden Center and Mellon Park Service Building, chargeable to and payable from 4-10-15-0002-83 (PR83-17) Major Repairs and Emergencies, Department of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3237 Resolution amending Resolution No. 245, eff. April 20, 1983 entitled: "Providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing and delivery of approximately five (5) Tractors for the Dept. of Parks and Recreation, and for payment thereof", by increasing the amount provided from \$15,000.00 to \$16,245.00 chargeable to and payable from Code Account No. 1808, Equipment, Department of Parks and Recreation.

Which was read and referred to the Committee on Supplies.

Also,

No. 3238 Resolution amending Resolution No. 1355 eff. December 31, 1982 entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the renovations of the Pittsburgh Aviary; and providing for the payment of the cost thereof", by increasing the amount provided from \$20,000.00 to \$28,000.00 chargeable to and payable from Aviary Trust Fund, ATF, Department of Parks and Recreation.

Also,

No. 3239 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Stephanie Flom, Laura Hendrickson, Phil Costanzo, Barbara Balbot and four summer employees to leave the City of Pittsburgh during working hours for implementation of the City of Pittsburgh Kidscamp Program at Egbert's Farm in Freeport, PA on June 29, July 6, July 13, July 20, July 27,

August 3, August 9, August 17, 1983, at no cost to the City of Pittsburgh.

Which were read and referred to the Committee on Parks and Recreation.

The Chair:

I would also like to thank Reverend Simms for bringing our guests in today. Reverend Simms, how long is that seminar going to last?

Reverend Simms:

Two months.

Mr. Robinson presented

No. 3240 Resolution providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant not to exceed \$7.1 million within categories and authorizing an appropriate distribution of funds to minority controlled financial institutions.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3241 Resolution amending Res. No. 443 of 1980 as amended by Res. No. 687 of 1980, Res. No. 590 of 1981, Res. No. 29 of 1983 and Res. No. 249 of

1983; providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Property Management and Maintenance Program; and providing for the payment of the cost thereof, by increasing the cost from \$1,659,200.00 to \$1,859,200.00.

Also,

No. 3242 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1334 W. North Avenue, Block and Lot 7-B-351, 1334 Juniata Street, Block and Lot 22-K-090, 1413 Faulsey Way, Block & Lot 7-B-228 in the Manchester Historic District in the 21st Ward.

Also,

No. 3243 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1247 Palo Alto Street, Block and Lot 23-K-128 and 1220 Monterey Street, Block and Lot 23-J-267, in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3244 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structure at 527 N. Taylor Avenue, Block and Lot 23-J-254, in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3245 Resolution amending Res. No. 647, eff. July 13, 1981, entitled: "Providing for the acceptance by the City of Pittsburgh from Delores

May Salago of certain property in the 24th Ward of the City of Pgh., for public greenway purposes, for a nominal consideration plus the cost of title examination, recording of deed and other proper closing expenses; and providing for payment of the cost thereof", so as to eliminate "for a nominal consideration plus the cost of title examination, recording of the deed and other proper closing expenses, at a cost not to exceed \$500.00 payable from PMMP Trust Fund."

Also,

No. 3246 Resolution authorizing the URA of Pgh. to condemn and acquire all of the City's right, title and interest, if any in and to the publicly owned properties in the 26th Ward of the City of Pittsburgh designated as Block and Lots 45-M-63, 45-M-65 and 46-E-148 in the Deed Registry Office of Allegheny County, under the NHF, said property having been Commission of the City of Pittsburgh.

Also,

No. 3247 Resolution authorizing the URA of Pgh. to acquire that property in the 26th Ward of the City of Pittsburgh designated as Block and Lot 45-M-60 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3248 Resolution authorizing the URA of Pgh. to acquire that property in the 26th Ward of the City of Pittsburgh owned by Beatrice Farrow and Catherine Wood and designated as Block and Lot 45-M-66 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified

as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3249 Resolution authorizing the URA of Pgh. to acquire that property in the 26th Ward of the City of Pittsburgh owned by Maude Budd and designated as Block and Lot 45-M-64 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3250 Resolution authorizing the URA of Pgh. to acquire that property in the 26th Ward of the City of Pittsburgh owned by Jessie Herring and designated as Block and Lot 45-M-67 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3251 Resolution authorizing the URA of Pgh. to acquire that property in the 26th Ward of the City of Pittsburgh owned by Eugene Davis and Juanita Davis and designated as Block and Lot 45-M-67A in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3252 Resolution approving a Contract for Disposition of Land by and between the URA of Pgh. and William B. and Gladys D. Barnette for the sale of

Block 14N Lot 106 in the 18th Ward for the sum of \$100.00 as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE).

Also,

No. 3253 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Cecile M. and Eric W. Springer for the sale of Block 22P Lot 308 in the 21st Ward of the City of Pittsburgh (RESALE FOR REHABILITATION).

Also,

No. 3254 Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Developers for the sale of various properties in the City of Pittsburgh (RESALE FOR REHABILITATION).

Also,

No. 3255 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Manford Sales, Jr. for the sale of Block 174R Lot 32 in the 13th Ward of the City of Pittsburgh.

Also,

No. 3256 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Michael A. Ralston for the sale of Parcel 48 in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (RESALE FOR REHABILITATION).

Also,

No. 3257 Resolution approving a form of Contract for Disposition of Land by and between the URA of Pgh. and Roger L. Glover and Mary Jo Porterfield

for the sale of Block 23F Lot 411 in the 25th Ward of the City of Pittsburgh (RESALE FOR REHABILITATION).

Also,

No. 3258 Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Developers for the sale of various properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS).

Also,

No. 3259 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and John W. Palarino for the sale of Parcel 47D in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION).

Also,

No. 3260 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Lorraine E. Powell for the sale of Parcel 178 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SINGLE FAMILY HOUSE CONSTRUCTION)

Also,

No. 3261 Resolution approving a form of a Contract for Disposition of Land by and between the URA of Pgh. and Ablebuilt Homes, Inc. for the sale of Block 15L Lots 233, 234, 235, and 236 and Block 14J Lots 279, 280, and 281 in the 18th Ward of the City of Pittsburgh. (NEW RESIDENTIAL UNITS).

Also,

No. 3262 Resolution approving an Agreement by and between the URA of

Pgh. and Ablebuilt Homes, Inc. in which URA of Pgh. will provide financial assistance to the purchasers of houses to be constructed in the 18th Ward of the City of Pgh. under the terms and conditions of the Neighborhood Housing Program.

Also,

No. 3263 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh—Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3264 Resolution authorizing the URA of Pgh. to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 10th Ward of the City of Pgh. designated as Block and Lots: 50-L-196, 198 and 199 in the Deed Registry Office of Allegheny County, under the NHF, said property having been certified as blighted by the VPRC and the Planning Commission of the City of Pittsburgh.

Also,

No. 3265 Resolution authorizing the City of Pgh. to convey and the URA of Pgh. to acquire all the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd, 4th, 5th, 6th, 9th, 10th, 12th, 13th, 15th, 16th, 18th, 20th, 25th and 26th Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as the Block and Lot numbers mentioned herein.

Also,

No. 3266 Communication from

Robert Lurcott, Director, Dept. of City Planning, requesting authorization for Steven Branca to attend a series of workshops sponsored by the National Council for Urban Economic Development in Washington, D.C. on May 15-18, 1983, at a cost not to exceed \$850.00 payable from Code Account No. 1982 CDPA No. 4-35-01-0001-82-49-82-35.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 3267 Communication from John Gabriel, Director, Commission on Human Relations, requesting permission for himself to attend the Annual Conference on the International Association of Official Human Rights Agencies in Philadelphia, PA on July 10-13, 1983, at a cost not to exceed \$600.00, payable from the HUD-FHP Trust Fund.

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3269

Report of the Committee on Finance for June 15, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3118

A Resolution entitled, "Resolution

transferring the sum of \$10,000 from the EMS Third Party Payer Trust Fund as follows: \$10,000 to the Asphalt Reimbursement Trust Fund, Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3135

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of B. Dalfol & Son, Inc. in the amount of \$34,649.00 in payment for extra work performed in connection with renovation of the Front Steps & Loggia at the City-County Building; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3149

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title One - Administrative, Article V, Legislative, Chapter 151, Council, Section 151.01(a) REGULAR AND SPECIAL MEETINGS by changing the day of the regular meetings of Council."

Which was read.

Mr. O'Malley moved to recommit Bill No. 3149.

Mrs. Masloff seconded the motion.

Michelle Madoff:

Oppose.

The Chair:

Roll call vote.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 5 NOES 3

(MICHELLE MADOFF, MR. ROBINSON, AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Also,

Bill No. 3153

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Stroudsburg Electric Supply, Inc. in the amount of \$6,656.61 in payment for electrical equipment at the Pittsburgh Aqua Zoo in connection with the Coral Reef Exhibit, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3154

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of J.A. Nearing Co., Inc. in the amount of \$6,014.00 in payment for a greenhouse at the Pittsburgh Aqua Zoo in

connection with the Coral Reef Exhibit, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3155

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Kenneth C. Fletcher D.V.M. in the amount of \$700.00 in payment for the surgical sexing of birds for the Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3203

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the U.S. Department of Labor in the amount of \$4,791.50 in payment of disallowed costs in the City CETA program."

Which was read.

Mr. Robinson moved to recommit Bill No. 3203.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

On Bill 3203, I'd just like to indicate that the reason I asked to have this bill sent is because I don't believe we are paying these disallowed costs out of the proper funds. I believe the money should come out of the general fund and not out of our CETA allocations. We're paying CETA back, and the way this bill is constructed, we're paying CETA back with their money. I think it should come out of the general fund.

Mr. Givens presented

Bill No. 3270

Report of the Committee on Public Works for June 15, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3141

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with

the In-Depth Inspection of the Second Avenue Bridge over Nine Mile Run; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3142

A Resolution entitled, "Resolution providing for the a Contract or Contracts for the purchase of Two (2) Sluice Gates and One (1) Structural Sluice Gate Support (Rodney Hunt Gate or equal) to be utilized for Flood Control on the City's Main Sewer Line; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3143

A Resolution entitled, "Resolution providing for a Contract or Contracts for Concrete Step Construction and Site Improvements on Louisa Street from Coltart Street to McKee Street, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3144

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended by Resolution No. 174, approved March 10, 1983, effective March 24, 1983, as amended by Resolution No. 210,

approved March 23, 1983, effective April 11, 1983, as amended by Resolution No. 243, approved April 8, 1983, effective April 20, 1983, as amended by Resolution No. 320, approved April 29, 1983, effective May 6, 1983, entitled 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating new line items and adjusting the Summar Totals."

Which was read.

Also,

Bill No. 3145

A Resolution entitled, "Resolution accepting the dedication of property Presbyterian University Hospital on Darraugh Street and Terrace Street in the 4th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3146

A Resolution entitled, "Resolution vacating Robin Way from ORCHARD PLACE to Cedarhurst Street in the 30th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3187

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of Litter Can Receptacles to be used on City Streets; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

It is my belief that there's enough money out in the private sector, since they're giving advertisement display on the can, that we should not have to spend \$25,000. However, I'm going to vote for the bill, simply because the City is a pigsty, and I don't want to be accused of not trying to do something to clean it up.

(MICHELLE MADOFF'S REMARKS ON BILL NO. 3187 FROM THE MEETING OF WEDNESDAY, JUNE 15, 1983)

Michelle Madoff:

Director, the Clean City Committee is raising a lot of money because they are going to put smaller emblems on the litter cans. Now, what are we going to do with \$25,000 worth of litter cans?

Director Gaetano:

They are not paying for \$25,000 worth of litter cans. The advertisers are putting in half of that money, and the City has the other half in the budget, which is put in at the end of the year.

Michelle Madoff:

In other words, they are getting free advertising; is that right?

Mr. Givens:

Michelle, that is not the full story.

Michelle Madoff:

Now they want advertising in every neighborhood?

Director Gaetano:

Michelle, Mr. Givens is right. They are talking about advertising their areas

in the City of Pittsburgh.

Michelle Madoff:

I'm voting no on this, because if we have to pay \$25,000 for these litter cans, we should have the jurisdiction of where they should go.

(END OF MICHELLE MADOFF'S REMARKS ON BILL NO. 3187 - 6/15/83)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3271

Report of the Committee on Planning, Housing and Development for June 15, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2837

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Maps No'd. 12 & 13, by changing from "M3" Light Industrial District to "A1" Commercial-Residential Associated and "M1" Limited Industrial Districts certain property located east of SOUTH TWENTY-SEVENTH STREET between EAST CARSON STREET; CAREY WAY and SARAH STREET, 16th Ward."

Which was read.

Also,

Bill No. 3027

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 6 by changing from "M4" Heavy Industrial District to "AP" Planned-Commercial Residential Unit Development District all that certain property bounded by: RAILROAD STREET; TWENTY-THIRD STREET; the ALLEGHENY RIVER and TWENTY-FOURTH STREET, 2nd Ward."

Which was read.

Also,

Bill No. 3167

A Resolution entitled, "Resolution authorizing an Agreement between the City of Pittsburgh, Urban Redevelopment Authority of Pittsburgh, and Women's Space East, Incorporated to purchase property located at 2001 Fifth Avenue, Pittsburgh, Pennsylvania 15219 at a cost not to exceed \$50,000.00 payable from the 1983 Unspecified Local Options/CD Funds, Project No. 4-40-05-

2001-83-915-83-35."

Which was read.

Also,

Bill No. 3168

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on exterior of the residential structure at 215 Tennvson Avenue (Block and Lot 27-L-51) in the Schenley Farms Historic District in the 4th Ward."

Which was read.

Also,

Bill No. 3169

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for demolition of the residential structure at 1431 Page Street (Block and Lot 7-B-127) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3170

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 416 North Taylor Avenue (Block and Lot 23-K-68) and 1238 Monterey Street (Block and Lot 23-J-257) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3171

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1011 Manhattan Street (Block and Lot 7-B-272), 1113 Fulton Street (Block and Lot 7-P-304), 1122 Sheffield Street (Block and Lot 22-R-154), 1126-28 Sheffield Street (Block and Lot 22-R-151 & 152), 1411 Sheffield Street (Block and Lot 22-P-381), 1325 Liverpool Street (Block and Lot 22-P-57), 1235 Warner Street (Block and Lot 22-F-236), 1433-35 W. North Avenue (Block and Lot 7-B-303) in the Manchester Historic District in the 21st Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3272

Report of the Committee on Water for June 15, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3151

A Resolution entitled, "Resolution providing for a Contract or Contracts for water line work involved with the Department of Public Works reconstruction of the Stadium Street Wall."

Which was read.

Michelle Madoff:

Excuse me, what's Stadium Street Wall?

Mr. Flaherty:

It's up around Pitt Stadium.

Also,

Bill No. 3189

A Resolution entitled, "Resolution authorizing the Director of the Department of Water to grant the application of James Ruggeri, 1335 Freeport Road, Pittsburgh, PA 15238, for water supply outside the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:
Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3273

Report of the Committee on Parks and Recreation for June 15, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3156

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Dept. of Community Affairs, for a grant in connection with Planting and Landscaping Development Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Planting and Landscaping Development Project; providing for required assurances; providing for certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Planting and Landscaping Development Project Trust

Fund; providing for the deposit of funds into the Trust Fund; and for the payments of costs and expenses of the Planting and Landscaping Development Project."

Which was read.

Also,

Bill No. 3157

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Western Pennsylvania Conservancy for Planting and Landscaping Development in conjunction with the Planting and Landscaping Development Project."

Which was read.

Mr. O'Malley:

I have a question on 3157. All costs are payable out of the Planting and Landscaping Development Project. What project is that, please?

Michelle Madoff:

The trust fund.

Mr. O'Malley:

Where is that money accumulated from?

Mrs. Masloff:

It's part of the Department of Community Affairs.

Mr. O'Malley:

Is that the state money?

Mrs. Masloff:

Yes.

Also,

Bill No. 3158

A Resolution entitled, "Resolution providing for a license Agreement with Duquesne Light Company to install, use, operate, maintain, repair, renew and finally remove poles, cross arms, guys, appurtenances in connection with the electrical service for Friendship Park."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3274

Report of the Committee on Public Safety for June 15, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3190

A Resolution entitled, "Resolution authorizing and directing the Superintendent of Police to establish a system for the towing of any and all vehicles found parked in violation of signs designating "No Parking" during certain times due to street cleaning."

Which was read.

Michelle Madoff:

Mr. President, that's a companion bill to the bill we approved where the Public Works Director has the discretion to put signs up on certain streets so that he can clean them, and now he needs to be able to clean them by having cars removed. Mr. Stone thinks it may already be in the law, but we're reinforcing it by putting it in, because we're not sure.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3275

Report of the Committee on Lands and Buildings for June 15, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3106

A Resolution entitled, "Resolution providing for a License to Tom Mistick & Sons, Inc. in connection with site improvements on City property adjoining 1130 W. North Avenue and No. 37 Fire Station, 21st Ward."

Which was read.

Also,

Bill No. 3136

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services in connection with the renovation and/or installation of a new heating system at the 29th Street Garage; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3137

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Liff, Chetlin and Associates, Architect, for professional services in connection with the design and installation of art work at No. 42 Fire Station, Chestnut Street; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3138

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional services in connection with elevator maintenance at various City facilities; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3139

A Resolution entitled, "Resolution repealing Resolution No. 663, approved July 1, 1982, effective July 9, 1982, entitled: 'Authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in the 21st Ward and the 26th Ward of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$26,900.00, as indicated per the listing below.'"

Which was read.

Also,

Bill No. 3152

A Resolution entitled, "Resolution authorizing and directing the director of the Department of Lands and Buildings to install thermostats in the office of City Council and City Clerk."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. DePasquale, I have a letter from the Wheel and Rim Sales Company, who has not been paid for six months. The bill is in the amount of \$424. He is now going to bill us for the interest, and when he goes to bid again, where the only person bidding, he will, of course, take into consideration the fact that he has to go out and borrow money. And he has been treated very rudely and told, "Don't worry about it; you're going to get paid," and has been treated very abominably. I'm going to be sure that this is taken care of.

Michelle Madoff:

Whose department would that fall into?

Mr. O'Malley:

The Controller's Office.

Michelle Madoff:

It's not the Controller. I think it's Supplies.

The Chair:

Take care of it, Mr. Woods, will you?

Mr. O'Malley:

One short question for Mr. Perry, our Clerk. If I'm not mistaken, was there money appropriated last year to up-grade Council's telephone system so we can have push-button telephones?

Mr. Perry:

There was money appropriated when Larry Yatch was the Director of Supplies.

Michelle Madoff:

Why aren't we doing it?

Mr. O'Malley:

Why don't we have —

Mr. Perry:

I think they're in the process of it. They're studying it, Michelle.

Mr. O'Malley:

Will you look into that, Mr. Perry, and get back to us with a full report?

Mr. Perry:

Yes.

Mr. Woods moved to approve the minutes
of Monday, June 6, 1983.

Mr. O'Malley seconded the motion.
Which motion prevailed.

And on the motion of **Mr. Flaherty**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, June 27, 1983

No. 26

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, June 27, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)
Mr. O'Malley	

ABSENT:

MR. STONE

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

Ladies and gentlemen, many of you may be aware that each month the Office of Michelle Madoff, Councilperson gives a "Woman of the Month Award." I feel that women need to be recognized as role models, and as you know we have given a posthumous award to Bosanka Evosevic and to other very deserving people, and it is great pride and with great pleasure that I ask that we have our awardee, Mrs. Alma Speed Fox come forward. I would also like to ask that Mary Hall, Executive Director of the Mayor's Task Force for Women, please join us; and I believe Phyllis Weatherby, would you join us?

Michelle Madoff presents

Bill No. 3311 WHEREAS, Ms. Alma Speed Fox, wife of Gerald W. Fox and mother of five children, has worked tirelessly for the civil rights of all people for most of her life and has served with distinction and brought honor to our city as past Executive Director of the Pittsburgh Branch of the National Association for the Advancement of Colored People and continues that service as one of the Vice Presidents of the Pittsburgh Branch and as Acting Sectional Director of the Pennsylvania NAACP; and

WHEREAS, Ms. Fox has also defended and advanced the rights of women as a feminist working within the civil rights movement and has served the cause of women's rights at the state level as Co-Chair of former Governor

Milton Shapp's Commission on the Status of Women, and as Regional Director of the Interstate Association of Commissions on the Status of Women; and

WHEREAS, Ms. Fox further served feminist goals as Co-Convenor of the Allegheny County Women's Political Caucus, Vice-President of Council for Women's Rights, Board Member of Women's Health Services, founding member of East Hills NOW and of East End NOW, and former President of East Hills NOW, and founding member and former President of Pittsburgh Association for the Advancement of Women; and

WHEREAS, Ms. Fox supported community goals in the Greater Pittsburgh area through her active membership in numerous organizations and associations; and

WHEREAS, Ms. Fox continues her service in civil rights for all as Equal Employment Manager with the U.S. Bureau of Mines and as a member and Treasurer of the Pittsburgh Mayor's Commission on Human Rights;

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Members of The Council of the City of Pittsburgh recognize Ms. Alma Speed Fox as "Woman of the Month" because her dedicated service has enriched the lives and ensured the civil rights of all the citizens of Pittsburgh.

Michelle Madoff moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

This is a special pleasure for me because Alma and I go back 200 years. We are the youngest — we don't get older, we just get better.

Ms. Fox:

I'm overwhelmed seeing all of these people and I know you're all here to see me. Before I say one word of any of the things that I have thought about saying, I'd like to say that thank God you're here in support of the legislation to support plant closings.

Michelle Madoff:

May I add, it wasn't planned that way.

Ms. Fox:

No, I very seldom do what's planned so I think those of you that know me, know it was not planned. I'm particularly happy to have this award it comes from politicians and most people think that politicians are a dirty bunch of folks. I happen to like politicians very, very much. I started in politics when I was 12 years old. My mother was a Republican Committee Woman, and my best friend's mother was a Democratic Committee Woman, and I was a gopher, and you know what that is, go for the sandwich, and go for the drinks, and go for everything; and I remained a gopher in politics until the '70's, and I decided I'd run for City Council, but apparently people liked me being a gopher better than they did being a member of City Council, so I'm still a gopher in politics.

I also like this award very much because I've worked very closely with some of the members of City Council. My earliest involvement with a member on City Council came with my

involvement with Sophie, and that was back when woman had their own little organizations then. You were relegated and you stayed right there. Then I worked with Bill Robinson. Then I fought with Jeep, with the union. I love him dearly and of course, Michelle and I have worked very close together.

I thank the NOW members, Phyllis Weatherby and Helene for nominating me for this award and suggesting. Before I forget my immediate family, I'd like for them to stand up, because it's a part — you're going to introduce them. My oldest son stand up, Zayer. Don't applaud until I — I have a lot of children, so don't applaud until it's all over. They're not all here, fortunately some of them are working, and there's two of them here that aren't working, but he's working; and I'd like for my daughter to stand up, Wesley. My youngest daughter, Murial. My granddaughter, Diane, and my great-grandson, Gerald. Isn't that wonderful. So see we can't close down these plants because I have some folks that need jobs there.

I could take up this entire day believe me with saying thanks to folks, but Carmen said, have your family come. Do I have family, I have a lot of family, those are family that come through blood, but some of the closest family that we have comes through love, and that's Phyllis, Mary, and Helene, and I'd like for Helene to stand up back there. I'd also like for my staff with the Bureau of Mines to stand up; and I'd like the Commissioners from the Human Relations Commission to stand up. I'd like all of you here that are supporting the plant closings to stand up; and I'd like all of you here who are members of City Council, who are going to support the plant closing legislation to stand up. Well all of you are my family and I thank you so very much; and Jeep thanks for being President.

Mary Hall:

I'm very proud indeed to bring the Mayor's congratulations to Alma and for myself to say, how very proud I am to be part this ceremony today. Alma was one of the first women to be truly active in the Women's Movement in Pittsburgh, and all of us remember her very early and important involvement in that effort as well as her early and important involvement in the Civil Rights Movement in the City which continues today with her official role with the NAACP. Once again let me express our gratitude to City Council for its continued recognition of the role of women in the City; and to say how appropriate we feel that Alma is the woman to be honored today. Thank you very much.

Ms. Weatherby:

I want to add my thanks to Alma, to those that have already been given here, and I want to give her a wish that we may live to see women represented equally in the constitution with men. Thank you.

Michelle Madoff presents

Bill No. 3312 WHEREAS, the City's Water Department recently reported that vandals broke into McNaugher Reservoir and caused extensive damage to the protective covering; and

WHEREAS, two officials from the Ohio Environmental Protection Agency testified before a House panel that Congress must take action to beef up enforcement of the nation's safe drinking water laws, after midnight dumpers poisoned water supplies in Ohio and neighboring states; and

WHEREAS, contamination of our

City's water supply would result in tragedy and would bring the City of Pittsburgh to its knees; and

WHEREAS, the Administration sees fit to station security police in City parks yet our reservoirs are left unprotected; and

WHEREAS, safety precautions at our reservoirs are necessary to the health and safety of the citizens of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby authorize and direct the Administration to station round the clock security police at our City reservoirs, and to post signs at the reservoirs warning would be vandals and trespassers of the severity of this crime and the stiff penalties for prosecution.

Michelle Madoff moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, my Committee is the Water Department and recently we had our one demonstration cover vandalized, ripped open. If a child or somebody who had a problem in the water swimming, particularly a child, were to suffocate the liability would be ours and we are self-insured as taxpayers.

Furthermore, we all know the two episodes that happened in the Beechview area and the other area where the water was contaminated. I have been asking for a solution to the problem, and when

Louise Brown came to Council to point out the part of the Parks and Recreation areas were being guarded by security guards. It would seem to me that putting gates up and having Richard Cosentino come to our Council and Miller did before him and say, what the neighbors do is take the gates off and throw them right in the water, it's not a solution; and I can't think of anything that's more important than the security and the well being of our City, and safe, clean, healthy drinking water; and I'm asking that Council vote to ask the Mayor to please put security guards at those months that are appropriate as deemed necessary by the Administration, round-the-clock; and I don't see how any could possibly vote against that. Would see that that gets to the Mayor, Linda?

The Chair:

I neglected to state that Councilman Stone has called and said that he's attending a National Association of Regional Councils.

Mr. Robinson presents

Bill No. 3313 WHEREAS, the Mayor and the Council of the City of Pittsburgh for the past six years have memorialized the Reverend Martin Luther King, Jr. with a Resolution celebrating his date of birth, January, 15; and

WHEREAS, the Mayor and the Council have for the past six years, requested that the Congress of the United States declare January 15 a national holiday in honor of Reverend King; and

WHEREAS, two of our former distinguishing members of this Council, the Honorable Louis Mason, Jr. and the Honorable George Shields, initiated a courageous attempt to rename Centre

Avenue, City of Pittsburgh, in honor of Reverend Martin Luther King, Jr.; and

WHEREAS, Council is presently considering a Resolution offered by Councilman Robinson to rename Fifth Avenue, City of Pittsburgh, in honor of Reverend Martin Luther King, Jr., and desires to name an appropriate memorial in his honor.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh does recognize the potential economic impact of the proposed name change for Fifth Avenue, City of Pittsburgh and the resulting psychological and social implications of such a change; as well as, the stated request of many to name a more appropriate memorial such as the East Busway of the Port Authority of Allegheny County.

BE IT FURTHER RESOLVED, the Council respectfully requests that the Board of Directors, Port Authority of Allegheny County, consider naming the East Busway in honor of Reverend Martin Luther King, Jr., and that the appropriate plaques and designations be placed along the busway in cooperation with local governments, the business community and civic organizations.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, if I might, I'd like to have a gold seal copy of this Resolution forwarded to Councilman Mason and Councilman Shields. If Council is aware, 13 years ago they initiated the process to

identify some public thoroughfare on behalf of Dr. King, and I think it would be fitting for this Council to let them know that their dream is still alive, and that we appreciate their efforts, and if the City Clerk would do that, I think that both gentlemen would appreciate it.

MR. ROBINSON'S REMARKS ON BILL NO. 2251 FROM THE MEETING OF WEDNESDAY, JUNE 22, 1983.

Mr. Robinson:

If I might, Mr. Chairman, I would like to make a motion on that bill to hold for 30 days.

On this matter of renaming Fifth Avenue, again, I want to thank members of Council for seriously considering this idea of renaming Fifth Avenue in honor of Doctor Martin Luther King, and I want to thank everyone, including the people who live on Fifth Avenue, Frankstown, and all the other streets in the city, for being kind enough to share with us their concerns.

In an attempt to provide an appropriate memorial for Doctor King, it has been suggested that perhaps the new busway would be appropriate. Mr. Richard Adams of Homewood-Brushton who works for Operation Better Block suggested this some time ago. In that spirit, the Port Authority, through Mr. Roddey, has indicated that they would be willing to entertain a suggestion from this Council by way of resolution to indeed name the busway. I want to thank Mr. Roddey for his assistance.

With Council's indulgence I would like you to take a look at the resolution that is before you. If I might, I'll very quickly read it, and I would like to have Council approve this resolution as our official statement on this matter and instruct Mr. Roddey to do what is

appropriate with the Port Authority.

"WHEREAS, the Mayor and the Council of the City of Pittsburgh for the past six years have memorialized the Reverend Doctor Martin Luther King with a resolution celebrating his date of birth, January 15th; and

WHEREAS, the Mayor and the Council have for the past six years requested that the Congress of the United States declare January 15th a national holiday in honor of Reverend King; and

WHEREAS, two of our former distinguished members of this Council, the Honorable Louis Mason, Jr., and the Honorable George Shields initiated a courageous attempt to re-name Center Avenue in the City of Pittsburgh in honor of Reverend Doctor Martin Luther King; and

WHEREAS, Council is presently considering a resolution offered by Councilman Robinson to re-name Fifth Avenue in the City of Pittsburgh in honor of Reverend Doctor Martin Luther King, and desires to name an appropriate memorial in honor.

NOW, THEREFORE,

BE IT RESOLVED that the Council of the City of Pittsburgh does recognize the potential economic impact of the proposed name change for Fifth Avenue in the City of Pittsburgh, and the resulting psychological and social implications of such a change, as well as the stated requests of many to name a more appropriate memorial, such as the East Busway of the Port Authority of Allegheny County.

BE IT FURTHER RESOLVED that Council respectfully requests that the Board of Directors of the Port Authority

of Allegheny County consider naming the East Busway in honor of Reverend Doctor Martin Luther King, Jr., and the appropriate plaques and designations be placed along the busway in cooperation with local government, the business community, and civic organizations."

END, MR. ROBINSON'S REMARKS ON BILL NO. 2251, 6/22/83.

MR. JAMES RODDEY'S REMARKS ON BILL NO. 2251 FROM THE MEETING OF WEDNESDAY, JUNE 22, 1983.

Mr. Roddey:

Good morning. I spoke this morning with Dr. Martin Luther King, Sr., and he asked me that on behalf of the King family to express his appreciation to Council for their efforts to honor his son. I will take this resolution and introduce it before the Port Authority. Thank you.

END, MR. JAMES RODDEY'S REMARKS ON BILL NO. 2251, 6/22/83.

Mr. Robinson presents

Bill No. 3314 WHEREAS, the Mayor and the Council of the City of Pittsburgh is committed to the development of resources, both public and private in the City of Pittsburgh to encourage and stimulate the economic growth of our City; and

WHEREAS, that commitment does include the establishment of a working relationship between the public and private sectors of the economy and the utilization of municipal and quasi municipal resources; and

WHEREAS, the City of Pittsburgh is currently engaged in vigorous effort to involve minorities and women in the future development of the City and

especially as an integral component of Renaissance II; and

WHEREAS, this commitment, to be realized, must be manifest through the implementation of a municipal strategy and specific programs.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh, on behalf of its citizens does support and encourage the following:

1. The development of municipal strategy to substantively and totally involve women and minorities in the economic and commercial development of the City of Pittsburgh, and the Greater Pittsburgh Area.
2. The establishment of a quasi public organization that will be responsible for the coordination of a public, private, minority, female partnership to create and develop a comprehensive plan supported by a long term commitment to foster minority and female business and economic development.
3. The coordination of public and private resources to upgrade and provide technical and management assistance programs for minorities and women.
4. The development of comprehensive financial program to finance new and existing minority and female businesses and related economic activities, and to encourage and develop joint ventures which include

minorities and women.

5. The development of the appropriate local legislation to initiate the necessary programs to foster business and employment opportunities for minorities and women.

Mr. Robinson moved to adopt the Resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Flaherty presented

No. 3281 Resolution providing for the issuance of a warrant in favor of Limbach Company in the amount of \$2,622.12 for parts and services to the chiller at the Public Safety Building, chargeable to and payable from Capital Project LB 83-14, (4-25-15-0001-83) Renovations of Various Public Buildings, Dept. of Lands and Buildings.

Also,

No. 3282 Resolution providing for the issuance of a warrant in favor of Fred Denig, Jr., Architect in the amount of \$300.00 in payment for extra services performed for the benefit of the City in connection with rehabilitation of the roof at the 6th Division, Public Works, chargeable to and payable from LB 83-17 (4-25-15-0005-83) Engineering Services Contracts, Dept. of Lands and Buildings.

Which were read and referred to the Committee on Finance.

Also,

No. 3283 Resolution providing for a Contract or Contracts including the use of existing Contracts in connection with construction at various Park

facilities at a cost not to exceed \$25,000.00 chargeable to and payable from LB 83-20 (4-25-15-2030-83) Park Facilities Renovations, Dept. of Lands and Buildings.

Also,

No. 3284 Resolution providing for a license to Duquesne Light Company for the installation of an overhead electrical system consisting of one (1) anchor on City property fronting on Saw Mill Run Boulevard, 19th Ward, designated as Block and Lot 5-S-97, in connection with electrical service to the area.

Also,

No. 3285 Resolution providing for the lease of a portion of McKinley Park Extension, 18th Ward. Providing for a lease to the United States of America for a term beginning July 1, 1983, and not to extend beyond June 30, 2008, at an annual rental of \$1,800.00 or certain "work in kind" as an offset against such rental, certain property of the City of Pittsburgh being a portion of McKinley Park Extension, 18th Ward, upon certain terms and conditions; providing for a supplemental agreement in connection with restoration of the real estate, if necessary.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3286 Resolution providing for the issuance of a warrant in favor of Allied Surveyor Supplies Manufacturing Company, in the amount of \$3,100.00 in payment for the Emergency Purchase of Flanged Base Monuments (Modified) and 2" Dome Tops to be used for Survey Monuments and Bench Marks, chargeable to and payable from Code Account PW

83-18, 4-01-30-0001-83, Misc. Repairs to Streets and Structures.

Also,

No. 3287 Resolution providing for the issuance of a warrant in favor of Richardson Associates, in the amount of \$4,950.00 in payment for Professional Engineering Services furnished for the benefit of the City in connection with the Route 51 Rockslide, chargeable to and payable from Code Account PW 83-26, 4-01-35-0003-83, Geotechnical Engineering Contracts.

Which were read and referred to the Committee on Finance.

Also,

No. 3288 Resolution amending Res. No. 1087, eff. November 12, 1981, entitled: "Providing for an Agreement or Agreements with the Saint Ursuline Academy located on Winebiddle Street in Bloomfield and the Urban Redevelopment Authority," so as to construct ramps for the handicapped and do general rehabilitation work, and increase the amount therein from \$100,000.00 to \$115,000.00.

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3289 Resolution amending Res. No. 618, appr. July 2, 1981, eff. July 13, 1981, entitled, "Providing for a Contract or Contracts for the Construction of Sidewalk Ramps for the Handicapped at various locations in the City of Pittsburgh; and providing for the payment of the cost thereof," by increasing the total project allocation from \$175,000.00 to \$225,000.00.

Also,

No. 3290 Resolution providing for a Contract or Contracts for the Grading, Paving and Curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work on private property and other work incidental thereto at a cost not to exceed \$156,000.00 chargeable to and payable from the 1983 Community Development Unspecified Local Option, 4-40-01-0156-83-917-83-01.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3291 Resolution providing for a Contract or Contracts for the Purchase of Screen and Sludge Mechanism Replacement Parts for the Clarifier Basins at a cost not to exceed \$180,000.00 chargeable to and payable from Capital Budget Account No. WD-83-02 (4-05-05-0200-83), Dept. of Water.

Also,

No. 3292 Resolution providing for a Contract or Contracts for the Purchase of a Philadelphia Mixer at a cost not to exceed \$7,000.00 chargeable to and payable from Capital Budget Account No. WD-83-02 (4-05-05-0200-83), Dept. of Water.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3293 Resolution amending Res. No. 1385, eff. Jan. 1, 1983 as amended entitled: "A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by increasing funds for Riverview Pool design and

construction and transferring funds for Fowler Pool and Park and Riverview Pool to Project Specific Trust Funds.

Also,

No. 3294 Resolution providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use of existing Agreements for the rehabilitation of Riverview Pool at a cost not to exceed \$847,000.00 chargeable to and payable from the Riverview Pool Trust Fund, Dept. of Parks and Recreation.

Also,

No. 3295 Resolution repealing Res. No. 405 eff. June 10, 1983 entitled: "Providing for an Agreement or Agreements or use of existing Agreements for architectural, engineering or other professional services in connection with the design of Riverview Pool at a cost not to exceed \$15,000.00 chargeable to and payable from Project Code 4-10-03-1370-83 (PR 83-23), Riverview Pool Design and Construction, Dept. of Parks and Recreation."

Also,

No. 3296 Resolution amending Res. No. 1189 eff. Nov. 30, 1982 entitled: "Providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the rehabilitation of Fowler Pool and Playground and providing for the cost thereof," by reducing the amount from \$100,000.00 to \$86,500.00 chargeable to and payable from Project Code 4-10-03-1320-77-31-77-10, 1977 CDBG, Swimming Pools Program, Dept. of Parks and Recreation.

Also,

No. 3297 Resolution providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use existing Agreements for the rehabilitation of Fowler Pool & Park at a cost not to exceed \$1,246,500.00; \$863,000.00 chargeable to and payable from the Fowler Pool & Park Trust Fund, Dept. of Parks and Recreation; \$370,000.00 from 4-10-03-1360-83-232-83-10, 1983 CDBG and \$13,500.00 from 4-10-03-1320-77-31-77-10, 1977 CDBG.

Also,

No. 3298 Resolution providing for a Contract or Contracts or the use of existing Contracts for construction of new facilities at the Pittsburgh Zoo at a cost not to exceed \$3,500,000.00 chargeable to and payable from 4-10-01-1230-81 (PR 81-02) Zoo Master Plan, Design and Implementation, Dept. of Parks and Recreation.

Also,

No. 3299 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pa., Dept. of Community Affairs, for a grant in connection with the Development of the Pittsburgh Zoo, providing for the execution of a Grant Contracts and for the filing of requisitions and other data; approving the Zoo Development, providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash.

Also,

No. 3300 Communication from

Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Susan E. Davis, Felice Cooperman, and Lawrence VanBuren to attend the National Cerebral Palsy Games at Texas Christian University, Texas, from July 30, 1983 to August 4, 1983, at not cost to the City of Pittsburgh.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 3301 Resolution providing for a Cooperation Agreement with the URA of Pgh. in connection with the Administration of the South Aiken Offices Urban Development Action Grant at a cost not to exceed \$990,000.00 payable from Code Account South Aiken Offices Urban Development Action Grant Project Trust Fund, 4-35-05-3100-83-251-83-35.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3302 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 2 by changing from "R2" Two-Family Residence and "C1" Neighborhood Retail Districts to "C3" Commercial District certain property

located on the easterly side of SHERADEN BOULEVARD, identified as Lots No'd, 312 & 314, Block 42-R in the Allegheny County.

Also,

No. 3303 Resolution providing for an Agreement or Agreements for professional auditing services in connection with the 1981 and 1982 Community Development Block Grant Program for the period of May 1, 1981 to April 30, 1983 for an amount not to exceed \$8,850.00 chargeable to and payable from the 1983 CDBG Program Trust Fund, Dept. of City Planning (CDPA), Project No. 4-35-01-0012-83-49-83-35.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 3304 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of May 31, 1983.

Which was read and referred to the Committee on Finance.

Mr. Woods presented

No. 3305 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting authorization for James McNamara to attend a seminar entitled, "Managing Stress and Change" in Pittsburgh, PA on July 19, 1983, at a cost not to exceed \$145.00, payable from Code Account No. 1128, Misc. Services, Dept. of Supplies.

Which was read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Woods for Mr. Stone presented

Bill No. 3306

Report of the Committee on Finance for June 22, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2643

An Ordinance entitled, "An Ordinance providing for the notification of plant closings, reductions or relocations."

Which was read.

Mr. Givens:

If I might, Mr. President, since last Wednesday's agenda meeting, I had passed out to all members of Council certain information regarding the plant closing, and specifically there's an article, it was very interesting, to economic strategy for the regional economic recovery an article that was presented in the Post Gazette, and it so dove-tailed right in with what we're trying to do with the plant closing. I have highlighted five of the major points that reflect the legislative intent of that plant closing legislation. You'll read about greater public, private cooperation and compassion; and I think this what this plant closing legislation is all about, and I underline that word compassion for displaced workers, supporters for our existing industrial based better business labor relations and increased opportunity for employee ownership all of which are essential elements of the bill we take on final action here today.

I know those of you who have read Saturday's paper would have seen that Rockwell has laid-off some 100 workers at Rockwell International. They did not give them but one hour of notification saying, you are laid-off, and hit the sidewalks, it started on the 50th floor and went to the 54th floor of that particular corporation; and there's a little hand out, I think it's very significant here today to support our neighborhood action coalition which was given to all the Councilmen, but I would like to mention some words of what it says in regards to not only that lay-off but other lay-offs that have happened in the City just since we started this plant closing legislation in May; and as you see in this audience there are many union people, church members, very many people from the religious community, and I'm very happy to see them here today in support of this. Many of them coming from Mon Valley Coalition; and community groups have to handle the loss of jobs in the Pittsburgh area with grim acceptance.

Do we have to accept this. A working class people to grimly accept all the decisions being made to close the plants by the corporate leaders, because it's none of the peoples business. I submit to you that the people from (SNAC) that are here today, and this Council, believe that the working class can have the authority through this elective body here today to make these decisions and have some type of absolute right to get involved in stopping plants from closing down and putting people out of work, relocating to other communities, and the reduction of the force without one empathy to anybody in the business community and the labor community as well as the religious community or anyone else.

This Council today is being asked to confirm their commitment to

represent the needs of the majority of the people, and one only has to look back in this Council today in my 8 years and your possibly 12 years and never have we seen such a crowd as we're seeing today. We're hearing from the hearts of the people of the City of Pittsburgh. A out crying for the protection of the majority of people who are the workers, and not the owners of businesses. The City of Pittsburgh and this Council sitting here today by passing plant closing legislation that will protect workers by giving them notice of impending discharges.

It was very sad when I read Mrs. Shades remarks from over there at Rockwell it was only 14 months of employment for some 100 people, but she said I think they should have given people some indication so they could be prepared. I have no other income of my own, and I'm a little ticked, said the woman who is divorced and has a 13 year old daughter. Now, she is thrustured into that world that we have today, and all of us must keep in mind one thing, there have been two extensions made of the unemployment in this country. Those extensions, ladies and gentlemen are going to run out in mid-summer, it will be a hot summer in Pittsburgh.

Not with that 16 percent unemployment that we know, but 25 percent of the actual working people in our particular quarter. The Mon Valley, the Ohio, and up through Ohio, right there, where the industrial might of this country is. Some people are writing that off. I as long as I sit in this Council, or anything that I can do will never write off the industrial heartland of the United States and the world for that matter.

I'd like Mr. President if I can just have about two more minutes to read a letter from Harvey Adams the President of the Pittsburgh Branch - NAACP.

Dear Sir:

I would like to apologize for not being able to attend the legislation meeting dealing with plant closing legislation. I know that this is a very sensitive area, but feel that you and your colleagues are creative enough to design legislation in a manner that would not discourage current business from staying in the Pittsburgh area or discourage new firms from investing in Pittsburgh.

(May I underline that Harvey Adams has a security business and he has many people involved within that security, and here's a man not only from the NAACP but also a businessman and a police officer retired from the City of Pittsburgh.)

The legislation is not aimed at restricting the decision making process inherent to running a successful business, but an effort on the part of the City to assist and bring resources to a business and an effort to keep them solid. You have my personal support and the support of the Pittsburgh branch of the NAACP in this effort.

Yours in peace with justice,

Harvey Adams

There was great lobbying being done on this particular piece of legislation. Especially coming from that of the corporate community and our Chamber of Commerce, and I've heard words being talked out of two sides of a mouth when I was talking to people from the chamber saying that labor does not support this. Well, you call up any labor, you talk to these people back here and they'll tell you who is supporting labor and who is supporting this particular bill.

We have some heavy weights in this particular crowd and I'd like to mention

just one them from the United Steelworkers of America, and that's Harry Guenther, and he is representing Lloyd McBride at this particular entity.

I also passed out Mr. President, and I will not belabor the issue but it's about a ten page legal document that refutes the City Solicitor's report that he gave us a one liner, and I suggest if all you would read this report you will find out that it says in it and the bottom line is the welfare of its citizens, and that's what this is all about and to work in the trade and the commerce and the manufacturing. We regulate business in this City. We want to regulate it to help the business and to help the working class. Thank you, Mr. President.

MR. GIVENS' REMARKS ON BILL NO. 2643 FROM THE MEETING OF WEDNESDAY, JUNE 22, 1983.

Mr. Givens:

As we know, there are many people out in the audience today, some for, some against this particular ordinance before us. It is one that started in my mind, in my research over a year and a half ago. It was in March that the bill was presented to this Council and the Mayor sent his report back to us. I think we all have copies of that. There were some legal opinions which the solicitor has made, there are also rebuttals to the solicitor's report.

If I might, Mr. Chairman, back on March 23rd when I first introduced this particular bill, this ordinance, on March 7th I envisioned a new era in the economic history of Pittsburgh's metropolitan area. More than ever we need the greater cooperation between the business, government, and the labor sector of our economy. In the midst of these hard times we must initiate bold action, and I underline that, which will

combat the social hardships suffered by the workers and their families when large Pittsburgh business enterprises close, relocate or reduce their operation. I think that the bottom line is the welfare of our citizens, that is why we are elected here, and what we are doing.

What does this bill really do and what does it mean, and what are we doing with this particular bill? We will create a Bureau of Business Security, it will be under Personnel—it should be under the URA, it should be under that old Economic Development Department that we had in the City of Pittsburgh, that we hitherto moved to the Urban Redevelopment Authority; but we cannot do that, only the Mayor can ask that they move that if this bill would so pass. So, the Bureau of Business Security, after a plant is to say they are going to close within 30 days, must report to the commission that will be set up in this bill. That commission will be made up of 16 people that this Council will approve of.

What do we do with it? When the commission reviews a report of 30 days from the bureau, they give it to the commission and the commission then will advise Council as to what we can do. What can Council do? Council then has the ability to call in all entities of city government; we can go across the street to our elected officials and county, we can go to our elected officials in the state body, general assembly, and of course our elected officials at the federal level, and ask for whatever help we primarily need at this particular time.

There was great concern at Council's public hearing on the business input, and that this is an anti-business bill. I can't see how they can call it an anti-business bill, when in fact we have a

panel of 16 people, made up of the total community, sitting down in secrecy, you might say, and going over the problems of a particular plant. These are plants that are going to either relocate or they are closing down for whatever reason, or their work force is being cut back. This directly affects the tax base of the City of Pittsburgh.

There is a lot of theory behind if we pass on this legislation—will any business ever want to come into the City of Pittsburgh. My answer to that, you'd have to go to an economist, you must go to the business community itself and ask them the exact question as to why they locate in a particular area. There was a great person among us, Edgar M. Hoover, who is considered the world's leading expert on location theory of plants and businesses; he broke it down into four major factors involved in the location of a particular plant. One, is local input costs, and that is the most elaborate of the four. The second is the local demand for the product—was there a demand for the product in that particular area. The third and fourth items involved primarily transportation, otherwise, if they have to bring raw goods in that was a cost factor. The second factor is that if they made it here originally and their markets were outside of our City of Pittsburgh, then they had transportation costs involved outside.

The underlining factor would be why does anyone go into business? Either they like or they want to make money in that particular thing. I'd have to underline money, money, money. Getting back to the first point of local input costs, the other three were very defined, very clear, very sharp; when you get into the other factors it goes into a multitude of reasons why a company locates, of which this plant closing notification is part of that.

Very quickly, I will read a few of the reasons why a company locates. Generally, it is the productivity, the availability of the work force, the land—can we give them land, is the zoning proper at that particular place, is the money, material, service, utilities, the business, the climate—what type of climate it is, is it a secure place, do their people have a nice area to go for their arts and sports, is housing available, how is local government—can they get some type of low-cost government incentives. That is what we are saying, that is why we want to bring this task force together, to show them that we do have some government programs down there—training and re-training, the labor management relationship. We have to say that Pittsburgh is noted for its corporations, and it surely is noted for its citadel of the labor movement throughout this country and throughout the world. I think that is very important. Also, the economic stability of a particular area, the tax base used, the business climate, the pollution, truck rate, noise, health, safety, water use, wages and hours, conditions of licensing and etc.; these are part of what I call local input cost. This plant closing would then fall under that category.

You tell me, if I am a businessman and I am going to locate in Pittsburgh, and I have just some of the 20 or 25 variables, and this one plant closing is part of it. There are as many pluses as there are minuses, if you want to put it that way, in the plant closing legislation itself.

We call Pittsburgh the second best livable city in the country, and I think that is inducement for any company to move in the City of Pittsburgh. Plant closing or reduction is really insignificant compared to what I have sighted. As we look out of this building

here and we say what kind of business climate do we have in the City of Pittsburgh. If you think of the PPG Building that went up down there, and when you think, Mr. Chairman, and you were a very great part of that particular endeavor when we felt that the local business community was being deprived because this Council here approved an Urban Redevelopment blighted area and certain people had to move and be relocated; the people's rights were protected and the PPG construction delayed several months, costing that company maybe millions of dollars, but we were to be sure that the small business community was going to be taken care of.

When you think of the U.S. Steel Building, their particular building there now under Mellon, when we think of Oxford Development Corporation right out this window, that was sitting here, literally, financially hanging by their fingernails waiting for this Council to pass one particular ordinance that would give a three year moratorium on taxation, that was the only thing that swung the balance almost, in talking to Eddie Lewis, on getting the monies that they needed to build that building. This Council, if we can say anything, has been a very cruel business orientated Council, as well as pro-labor. I think we have been very balanced in that commitment.

Labor is coming in with something, I think it is very important. Many of us, seven of the Council people attended the meeting, and there were people walking through this corridor here the last day, saying that labor wasn't supporting it. Well, I see people out there in the labor community today, and I thank you for being here. But, at that particular meeting which was held by the SNAC organization, the people who testified at that particular meeting, and I'll just mention a few of them; United

Steelworker's Local 1397 - Ron Weisen, Teamster's Local 249 - President Charlie Byrnes, Tri-State Conference on Steel, Steelworker's Local 5673, the ex Budget Worker's Local 141—that was the laundry that went out of business up there in the Bloomfield-Garfield area of the City of Pittsburgh, Mon Valley Unemployed people—we know what kind of a problem we are having down there, the PA Alliance for Jobs and Energy, the PA Public Interest Coalition—which the day this bill was brought up last Monday they had up to 1,500 people in Harrisburg speaking on this particular matter, the Nabisco people, Allegheny Labor Council - Paul Stackhouse. I met with Paul and the Coalition just last week, and he assured us he was going to be here today; he cannot be here today because he is in Washington on related labor business, otherwise he would be here. Also, we had Local 643 - the IUE, the National Union of Hospital and Health Care Organizations. Many of us at that time indicated our support for this particular ordinance and what it is going to do.

We say money, money, money is the major determination, at least it is with me. When new businesses locate within, they have to have that feeling of confidence and not a negative outlook. I'd have to look at some of our people here, and one made one remark in the newspaper. I'd like to make a comment on that, if I might. The gentleman was Leo McDunough, who is sitting right here to my right. Leo had a letter to the editor and made a point, and I think it was a very important point, and I think it brings out what this commission will report to this Council, and how this Council can interact on what is happening in our business community. I'll take it out of context at this one particular point. He said, "If only City Council would use its foresight and intelligence to do some research to find the reasons why companies would want

to move from one area to another, and then provide positive ideas to solve those problems, Pittsburgh would be a much better place to operate a business."

Mr. Chairman, and Mr. President of Council, I suggest to you that this ordinance is in fact doing exactly that. By the commission reporting back to this Council, by this Council taking positive action, I believe, Mr. McDonnough, not to take your word of thought out of context, that in fact we'll be doing that. If a company does move, and we cannot stop it from moving, if they want to relocate we cannot stop them from relocating, but we graduated the scales of the companies and how quickly they have to respond to this particular group; all we are asking is to give us a day in court, so to speak. Give us a day within this Council that we can look at that particular company or companies and say can we do something for you. If we can save just one company, then we have, I feel, an opportunity then to do something for the people of the City of Pittsburgh.

I'll make just one other statement. I guess you could say there was a very timely article, I don't know if any of you saw the newspapers last night, but if you had you would have read that particular article by Greyhound and Armour Meat Company going out of the City of Pittsburgh. I read the whole story, and you had to read through this story because they were claiming, Greyhound, that the reason they were closing Armour Meat was the fact that they weren't making a profit. When you read very closely in there, you find out that the people who were working at Armour, I am talking about the working person, the labor people themselves, said they had major management problems at that particular plant and other plants. Greyhound went into the meat producing business and they forgot to get the expertise in the management fields.

These people were being paid \$10 or \$11 per hour. I don't know if any of you ever worked in a cold storage place before with knives in your hands, standing on your feet for eight hours, but I compare that to a laborer of the City of Pittsburgh who is making \$8 and \$9 an hour and is out in the fresh air, I would submit to you that the people in the meat producing business are not being overpaid for the work that they are doing down there. This brings up a great point, there are problems with the management side of the house when businesses fail. In some cases there are some labor problems right down there. It would help if you can sit down and have reasonable people discuss and work their problems out.

I'd like to say just one last thing. If we look at the Nabisco situation, it works out into almost an equation problem; we had enough time to react on Nabisco. At that particular time Nabisco, which is one of the fifth largest corporations in this country, multinational corporations all over the world, they had some six to seven crews that were working out at Nabisco back in January and February, the middle of winter, when this thing came up. Nabisco now, my fellow Council members, have 13, they went from six or seven to 13 crews; they have called back everybody. The Nabisco Company itself has effectively indicated they are going to put multi-millions of dollars of rehabilitation for other products in that company.

If the people in this room did not get off of their behind ends and move on that particular action, if we did not have the church leaders moving on that action, if we did not have the community organizations moving on that action, if we did not have labor and Nabisco employees moving on that action; Nabisco, ladies and gentlemen, would not

be here today. That is what plant closing notification is all about.

I rest right there, Mr. Chairman, other than to answer any technical questions that any of the Council people would have.

The Chair:

Mr. Givens, do you want to put your amendments in now or later?

Mr. Givens:

I had asked Mike (Perry) on this, and what I am going to do, and will submit it to all the Council members, is a substitute bill which I think will make it much more readable.

END, MR. GIVENS' REMARKS ON BILL NO. 2643, 6/22/83.

The Chair:

Members of Council, if there's any more discussion we'll listen to it, but I'd like you to limit your remarks to your discussion rather than when we're voting.

Michelle Madoff:

You want us to make the comments when we're voting, Mr. President?

The Chair:

No, make them now, okay.

Mr. Flaherty:

What?

Michelle Madoff:

I didn't here what he said.

The Chair:

I said, I'd like you to limit your remarks to your discussion rather than when we take the vote.

Mr. Flaherty:

Franklin Roosevelt said almost exactly a half century ago, "When the country was in the throes of the great depression, that what the government needed to do was to lead, and what it needed to do was to experiment, and it needed to show persistent, bold experimentation," but it needed to do something, and what we have in front of us here today, the majority of critics will deem to be a rash experiment. They will argue a lie along the lines of its supposed illegality. They will talk about an international, a world market, and how this measure may smack of protectionism, and how it isn't the American way, but they are not offering solution; and perhaps if they were offering some kind of solution, or just an idea, or just a thought, that we could experiment with, and perhaps expound and build upon. Then, I think we may have room to compromise more, but it seems that throughout this entire struggle since March on the plant notification closing bill all compromise has laid with the proponents of the bill.

This is a weak bill in my mind, but it's a pragmatic bill that I think can pass. All it is simply asking for is for a plant to give prior notification, prior to their closing. As Councilman Givens has said, I think the cornerstone of that action is compassion. It is just affording the workers the opportunity to do some planning with their life, and with their families.

There isn't anything included in this bill as far as the corporation providing funds for retraining, or the corporations

providing severance pay. God forbid if that was included, and if it was up to me, I think I would seriously entertain including it, but I think this is going to be a very close vote, and I think regardless of what happens here today, the battle, the struggle will not end. Even if this measure passes the Mayor has promised that he is going to veto it, and I would hope that all members of Council today, know those reasons why he is going to veto it; and I think, and I would hope that each member of Council today that is going to support this bill will also have the courage to support it when the veto comes back.

We have been told that other countries have plant notification, but plant notification is strictly comestic with what else they have. They subsidize their great industries, their basic industries, and that is the reason why they are now the leaders in the world as far as industrial situations. Many economists are saying we are not in a recession. They say we are in the throes of deindustrialization, which is going to throw this nations economy perhaps the worlds economy into a tailspin of 25 to 30 percent unemployment by the 1990's.

I think it's essential that this Council today — we have the opportunity, we should provide the leadership for the rest of the country. I know opponents of this bill are saying that if Council enacts this measure it will appear in the Wall Street Journal and it will be fanned out across this country. Well, I hope it does appear in the Wall Street Journal, because it is hypocritical to say, I support this legislation on a national level, but I don't support it in my back yard, because it is going to be harder to pass this on a national level. We are a democratic stronghold here, and we should be supporting the ideals of what the democrat party stands for, and we should

be supporting our region as Councilman Givens has said, this is the heart of the industrial complex of this country, and it was of the entire world at one time.

In closing, I just want to say that government is almost miraculously always late in regulating business. Government does not willingly interfere with business. It only interferes when it is forced to; and government unfortunately I think acts reluctantly and tardily in response to overwhelming pressures. Well, we have overwhelming pressures here today, and we should react in a like fashion. If government regulates the securities, markets, and the stock exchange it is because the investors demanded protection, and if it establishes minimum hours and maximum wages, and requires collective bargaining, and sets up a system of social insurance, it is because labor demands protection, and if it outlaws methods of competition and curbs discrimination in the prices, it is because competitors demand protection.

Today, people are demanding protection between the conflict that exists between capital and the community, and as Councilman Givens says, when Rockwell International just a few days ago can pick up and start with many experts are saying, is the beginning of retrenching of pulling their complex from this City, and they do not show any sympathy or don't put forth any expense for the social costs that they accrue. The social costs that they cost this community when they are moving to accrue more capital. Then it is time for the government to step in as it has done in the past; and that's what it is, Rockwell International is one of the most profitable companies in the world, and they are greedy, and they want more profit, and so they are going to disrupt the lives of hundreds of Pennsylvanian's to make more, and it's about time that

the government step in and even if it is the local government at least we are going to make it easier perhaps for it someday easier to occur in Washington or in Harrisburg.

I think that we should certainly stick with the tradition of our area. We should certainly thank and be true to the people here today, and those who for whatever reasons are unemployed, or those who are in organized labor that are not here today, and we should stay true to the principles that made this region great; and the bottom line is, I don't think we should forget our people. Thank you very much.

Michelle Madoff:

Mr. President, Members of Council, people in the audience, you know, you never know what a cut on somebody's finger feels like until it cut on your own hand. When you here of some man dying over seas, you say, isn't that a pity, but when it's your own son or a friend, you feel a lot differently about it.

The message is coming home to me because people very, very close to me have been laid off by major corporations with callous and immoral disregard for the welfare and responsibility of a person, and I want to reiterate a very quick story. One of my very closest friends working for one the major corporations in this country was told that she had the highest record of production of anybody in the company and four days later, they took her to lunch, fired her, and said if, if, you will give us a letter of resignation, we'll be nice enough to give you four weeks salary, and a letter of recommendation. That meant she would get no unemployment. Tell me, is there anybody in this room, and I look at the media particularly, that knows of anybody working today unless perhaps they're elected and they know they're

going to be there for two years or four years, that knows they're going to have their job tomorrow? You know what I say is true.

The point that I am making is that I have been talking and everyone of us in this room have been talking to our friends and everybody says, I have my job and I think I'm secure, thank God, and I talked to people who were sure that they are in an executive level of a corporation, Alcoa, and today they're unemployed. Now, some of these people had provisions made in their contract where they have some kind of pension and they have some kind of notification, and there are many companies that are doing that. It's not the good companies that spoil it, it's the one's who have this callous disregard, and their representatives that have even more callous disregard.

I think the thing that offended me more than anything else at these plant notification hearings was when Justin Horan of the Chamber of Commerce stood there with his hands on his hips very arrogantly and said, so what if I'm not from the City. I represent the businesses in the City, but he has done nothing to see about getting rid of regressive taxes, abatments. The tax problems of the City that would create more jobs in the City, and I think what we have to do today is to send a message, or our esteemed colleague, Mr. Stone our Finance Chairman, who is not for this bill, who is not present today, would say we got to telegraph a message, and that message is that industry is going to be responsible to its workers in this area, morally. They have shirked that responsibility. We're going to send them a message and if the Mayor vetoes this bill, I hope enough of us have enough guts to override the veto.

Mr. Flaherty touched on a very

important issue. This is a very watered down bill, and what is missing from it is, what do you do with the people that are let go? How do you retrain them? How do you create other jobs? By creating a favorable tax climate to bring in other jobs. That has been completely out of the realm of this bill and ought to at some point be taken up; and I think that I would like to make what I consider a very constructive suggestion; I have talked to a number of the industries who did not like Mr. Horan's behavior, and they said, I would be happy ladies and gentlemen to meet with the leaders of this particular piece legislation, and to sit down and start having ongoing dialogue, because I think that's our only hope of keeping jobs in this community, and seeing that they live up to there responsibility.

This cannot be allowed to continue. We cannot have people being fired within days and hours of their job, and again, I want to repeat, the media, who's been the most vocal in saying that we're irresponsible, and we're going to hurt this community. Ask them? Look at your own souls and your own conscience, and look in the mirror and see if you're going to have your job tomorrow; and how you would feel if you were given two hours notice.

I would just like to as Councilman Flaherty would say in closing, I urge you not to just drop it with today's vote, but to set up and I will serve on that committee, if you want me to, and help bring what I consider some responsible corporate people together, union leaders, and let's start an ongoing dialogue. Not only the notification closing but you start creating some jobs in this community. We've got 65 percent of our youth, you've got a letter Harvey Adams, black youth in the City, 65 percent are unemployment, and the families aren't working. It's going to be a hot summer,

and I would urge that we very seriously meet at some point with Councilman Givens and myself, and start some kind of dialogue to take this a step further.

Mr. O'Malley:

Mr. President, I had my aide's pass out copies of the legislation about 100 copies of the legislation and the same legislation that was passed in Philadelphia. I talked to a number of people this morning, and although they support plant closing legislation, they didn't read the legislation that was written and the legislation that was introduced by Councilman Givens. So the people that got a copy of the legislation today from my administrative aide's and a copy of the Philadelphia legislation, if you haven't had the opportunity to read it, after today's vote, I would appreciate it if you would take it home and that you would study it.

Myself, in the meeting that was held in the gold room and I've voiced my support for plant closing legislation. I support the legislation that was passed a year ago in Philadelphia. I support plant closing notification legislation that would give 90 days or up to six months. I don't feel that's too much for a company to give to tell people who spent their entire lives working for that corporation, what they can expect in the future. I support the employees in the communities right to have advanced notification due to the tremendous impact that a plant closing has on a community, and the tremendous impact that a plant closing has on a family, and also, on the City of Pittsburgh.

I feel that the City has a moral obligation to offer financial assistance to URA with sight selection, with low-interest loans, and with mortgages to help plants stay in the City of Pittsburgh that are having financial problems. I

also support the right of employees to explore the possibilities of assuming ownership of their plants, and with the help of financial aid from the government; and five I support the idea of creating a task force that would bring all the parties together to discuss the options that were available to avoid plant closing in the City of Pittsburgh, which was done with the Nabisco plant.

This is the point. This particular piece of legislation that I had passed out that was introduced by Councilman Givens goes far beyond, and I mean goes far beyond plant closing notification legislation. The one that I support is the one that was passed in Philadelphia.

What I asked the people in the room to do, is read this legislation. I cannot support what I consider an unworkable bureaucrat which would be created under an entirely new City Department. I see that no evidence that this particular legislation would actually save jobs, but would just give false hope to the many unemployed in the Pittsburgh area, and people in Pittsburgh don't need false hope. What people in Pittsburgh need is jobs.

Ultimately, I feel the legislation that Councilman Givens introduced will cost future generations of Pittsburghers an opportunity for employment because it will put Pittsburgh in an unfair disadvantage to attract new business. I talked to many old established companies in the City of Pittsburgh and to some newly established businesses with high growth potential. When I talked to them they told me that if this legislation is passed they will not expand in the boundaries of the City of Pittsburgh, and these are old and established companies that have been here for over 50 years. Now, I'm going to state this one more time. I am in favor of a plant closing notification legislation, but I cannot in

good faith support this bill.

Mr. Robinson:

Mr. President and Members of Council, I'm on record as supporting 2643 and the concept of plant closing legislation. I think that it would be less than honest if we did not admit that indeed this country is a part of a world economy. Perhaps it's an economy that many of us don't understand, or perhaps an economy that is harsh toward many of the workers. Some of whom today sit in this room and are unemployed. Pittsburgh is an international city. We not only have corporations that represent the Fortune 500 in this country. The corporations that have operations throughout the world in many countries and in many political subdivisions. I think the fact that this City has committed itself to bring in new business, new light, and to regenerate the Western Pennsylvania area, that we have an obligation to not only those new companies and those new workers, but to old companies and old workers.

Many of the people who are looking for some hope from this type of legislation, unfortunately are already unemployed. Speaking for those people of color, who work in the steel industry, I think that it's clear as far as minority community is concerned that some type of legislation of this sort is necessary. Fifty percent of the steel workers that comes across this country are black, and probably the vast majority of them are going to find themselves unemployed within the next five years.

Unemployed without any training program. Unemployed without new employment opportunities. Unemployed without any hope for economic growth. I think that the new technology and the new industry in this area suggests that we must look at new ways to keep

Pittsburgh a viable community. We owe a lot to those people who have worked and toiled here. We owe a lot to the businesses that are here. We owe a lot to those who do have hope that the new Pittsburgh will include them. I think that it would be a step in the right direction for Council to not only support this particular Bill 2643, but to seriously begin to ask a question; what role does local government have in the economic growth of the Pittsburgh community?

What we are doing here today is wrestling with a very difficult and complicated problem. It is a problem that probably out matches our resources, but it should not out match our resolve, and that is, our resolve to represent the people of this City. I believe that our first obligation is to the people and benefit of the City, and this type of legislation is one more manifestation that this Council, this City government, will and must be involved in the growth of this area. Thank you.

Mr. Flaherty:

Mr. President, I would just want to add that there is one point I don't believe that anyone has hit upon yet, and we are accepting the word of the Chamber of Commerce that this bill is going to be bad for industry or for new corporations that perhaps in the future may locate here. There is hardly any substantiation in scholarly work of labor experts that point out the fact that plant notification ordinances have major impact as far as how corporations or industries will view the business climate of a region.

I refer once again to the letter I believe each member of Council received from Professor James Cunningham, who is an expert on the issue, who's in the graduate school of social work at Pitt and is certainly an expert on the local economy; and he says, that the four main

goals that a new or a perspective industry looks for are 1) the local input costs 2) the local demand for a product 3) the outside input cost 4) the outside demand, in fact, he goes on and says, plant notification is insignificant in the whole scheme of location decision-making by ethical companies. There are at least 50 more significant matters, winning football, well-done arts festivals, nearby universities, plenty of fresh water, well run cable television, an efficient airport, able law firms, probably are all much more important.

I want to say in closing, and I reiterate what I said on Wednesday, this Council consistently every year gives UDAG grants worth millions of dollars to industries. It gives tax abatements worth millions of dollars to industries. It gives prime land at a prime deal worth millions of dollars every year to industry. This is the only time that I can ever recall, Council, trying to regulate an industry, and I think it's a regulation that will prove good for industry, and not as all the dome sayer's are saying, bad for industry, because hopefully when this appears in the Wall Street Journal, companies throughout this country will see that the people in the City of Pittsburgh, Southwestern Pennsylvania, and the region care about keeping their people working. Care about having an economic climate which has stability. Care that the government is going to give industries that are having problems the opportunity to sit down with them and to open up the whole store of generosity, perhaps that this government can provide to them. Perhaps in the way of low-interest loans to keep them here.

I think it's a move that is the exact antithesis of what the opponents of the bill are saying. I think it's a plus for industry because they know that they'll have a good, stable, credible market here. They'll have people working and

they'll have people that will have money to buy their products.

Michelle Madoff:

Mr. President, I don't want to belabor the point but you were gracious enough to let Mr. Flaherty speak twice, so don't remiss when I do. There's one very important point that I left out. Recently, I have been talking to a number of people who are leaders in the brokerage houses and the stock market, friends of mine, people who make decisions within that level, and I ask, is this an omen, a bad omen, with Alcoa, and with Rockwell, and all these massive layoffs. Does this mean that we're really going into a deep depression, and you know what the answer was, no the market is going to go way up and it's going to go through the ceiling, and it's going to go to the \$2,000 the \$3,000, and we're going to see it in the next couple of years, and I said, "What do you mean," and they said, "The thing that's good for the corporations is that they're streamlining. They're getting rid of all the excess baggage. They're getting rid of the people they don't need, and therefore the stocks are going to rise." Well maybe they shouldn't rise as much, and maybe we should have some compassion, and the same corporation people, who by the grace of God, could also be unemployed.

The Chair:

Roll call vote.

Mr. Flaherty:

Aye, and I hope that when it is enacted it will be enforced and I think this Council will make sure that it is.

Mr. Givens:

Mr. President, I vote aye on this

bill because I think it's here for the people that have elected us to this position, to represent them. It's the majority of the people, and I vote strongly, aye, and thank many of the people in the audience here who helped put this particular ordinance together, and hopefully they'll help us carry it out.

Michelle Madoff:

The one said thing is that people have very short memories. This is a year that starts a four year term, and by the time four years are up, people are going to say, well they forgot that I voted no, and I hope you won't forget, and I vote aye; and I hope the Mayor understands that his vetoing this bill in advance and announcing that he's going to veto; and we're going to override; and he's just going to let it sit. I hope he understands that he has an election coming up very soon, and we're all going to remember, aren't we?

Mrs. Masloff:

Aye.

Mr. O'Malley:

You know it scares me, this Council has a hard enough time running the business of the City of Pittsburgh without trying to run independent companies and corporations in the City of Pittsburgh. I vote no.

Mr. Robinson:

Aye.

Mr. Woods:

I vote aye.

The Chair:

I want my remarks from the other

day placed in the record. I vote no.

**MR. DE PASQUALE'S REMARKS ON
BILL NO. 2643 FROM THE MEETING OF
WEDNESDAY, JUNE 22, 1983.**

Mr. DePasquale:

I, as a labor man, honestly believe that this bill is going to have a two-grain effect on new plant openings. I discussed that with Mr. Givens earlier, and have searched my soul. I would like to go along with it, believe me I would, but I think it would be insane. I just can't support this bill. No way.

**END, MR. DE PASQUALE'S REMARKS
ON BILL NO. 2643, 6/22/83.**

**MR. STONE'S REMARKS ON BILL NO.
2643 FROM THE MEETING OF
WEDNESDAY, JUNE 22, 1983.**

Mr. Stone:

If the Chair may for a moment, I would like to share my thoughts on this bill, and I want to do it before a vote because it gives an opportunity, as I see it, to see this in somewhat of a proper perspective. As all of you recall, when there was a meeting at the Gold Room some of you spoke up, in fact the majority of this Council spoke up in favor of it. I did not speak up, I indicated that there was a public hearing forthcoming, and if I am inviting people to a public hearing I want to hear from both sides before I am asked to make a decision. In light of that, I listened to a public hearing and listened to both sides on that issue. I would like to say at the outset, so that there not be any misunderstanding, that the intent of this bill is in the right direction, in my personal opinion. As far as the legislation, however, we must look at its pluses and its minuses in order for it to have that good that is intended.

I don't think that anyone can pass the point that if it is solely in the City of Pittsburgh there is no good reason why a plant who is coming to this region would not stay on the outskirts of the City of Pittsburgh. In that connection, this type of legislation is probably better if it is done on the state level; then all of us within the confines and jurisdiction of the Commonwealth of Pennsylvania are similarly situated to which no neighbor gets an advantage, that is unless you are on the border of the State of Pennsylvania, in which instance you do have a competitive loss, and I put that in quotes, with your neighbor.

Relative to the organizational thing here, it is my personal belief it is a little too much involved and put down in specifics, and before too long it could really bog down in operation.

Relative to the kind of committee idea, I think that there is in place already an ability to do something for it. We have the Labor Management Council, which has been meeting, perhaps not with as much substance as we might want, but yet there is an occasion for it, and that is now, that if we add to that merely government's involvement in a loose kind of arrangement, that way it gives us the elasticity and the flexibility with which to face any kind of issue and call into meaning all of the possibilities of assistance that exist.

I am mindful that in most large labor contracts what is intended in this bill is already included within the labor contract; some of it requires 90 day notices. The one that bothers me the most, and Mr. Givens indicated that Europe is doing it and we ought to do it, and there is only one difference—the United States Constitution. The United States Constitution says how we'll function in this country, that

Constitution is for us, not Germany, France or anywhere else. In that light, with what is well meaning within this bill, I can foresee a constitutional issue. With the tightness, the more you write the worse it gets, by virtue of being too specific, and you have the ability to defeat your good intent by writing too much. I personally think that one or two pages would be sufficient for ideas, as I indicated, to have that flexibility.

The other one is that when two parties are going to negotiate, and those of us who do that kind of negotiating everyday know that the worst thing that can happen is when your opponent doesn't want to negotiate at all. In effect, what you need as a condition precedent to any kind of climate of negotiation, or rehabilitation, or rebuilding, or reinstituting, or continuation is that there is some well meaning from the parties. We have gotten so much mail already, anti, and while I am not impressed with the volume, I am, however, impressed with the contention that we would be creating a kind of unfavorable light in the event that it is done solely within the confines here and not elsewhere.

The thing that I am kind of hoping that will come out of this, and maybe what I am trying to suggest as a condition precedent to this bill, that we try some kind of change in it; and that is instead of having a mandatory kind of operation, that we have in the initial stages of it, and try to get the parties and all those who wrote to us, and the Chamber of Commerce, and government, and labor in together with the Labor Management Council, to have them make a strong commitment to a fact that we are going to try to get everyone to go through the process, even if it is voluntary, as opposed to you must. I think the must proposition is going to make it unconstitutional. That is a

problem for me.

Relative to this bill, and as far as I personally am concerned, I am kind of torn with where I will go with this thing because I think something is necessary to protect the labor workers today. It is not fair, after most of them have gone, as it is right now, some 20 to 30 years they did everything by the book, they worked hard so they could get money for a house, they worked hard so they could buy an automobile, they worked hard so they could put their kids in school, they've been law and order people all these years, they've worked, they've contributed, they've paid, they've done everything right; and it seems to me that summarily they should not be wiped out, as has been happening now. It needs something, I am left with that, but as I visualize this thing in the present form of the bill even with the amendments, I foresee a problem.

I would like to suggest at this point, because it is not my intent to try to defeat it but rather to help it, that we ought to go back to committee with it and try to come out with something. There is a saying—better something than nothing. In that light, that is where I am right now. I offer that before we get into a vote, which may get us into an inability to help. In its present form I would have a problem with it. I am just suggesting this.

I made a comment earlier, and I did that before the vote for fear that maybe it may not have sufficient votes and that we may be able, as I indicated, to get something rather than nothing. I'll not add much more to that, other than to say that a noted Supreme Court justice once said that in the very near future I predict that the minority opinion will be the majority opinion. It is with a great deal of reluctance, my vote really now does not make any difference, but I think it

needs to be said that we would have been better with something rather than nothing, I abstain.

END, MR. STONE'S REMARKS ON BILL NO. 2643, 6/22/83.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mrs. Masloff
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods

AYES 6 NOES 2

(MR. O'MALLEY AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3203

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the U.S. Department of Labor in the amount of \$4,791.50 in payment of disallowed costs in the City CETA Program."

Which was read.

Also,

Bill No. 3191

A Resolution entitled, "Resolution

providing for the issuance of a warrant in favor of Joseph J. Graciano Corporation, 7925 Hill Avenue, Pittsburgh, PA 15221, in the amount of \$66,500.00 in payment for additional coating protection and sealer furnished for the benefit of the City in connection with City Controller's Contract No. 25633 and providing for the payment thereof."

Which was read.

Also,

Bill No. 3192

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company, P.O. Box 4282, Pittsburgh, PA 15203, in the amount of \$13,755.00 in payment for Installation of 55.02 linear feet of 20" Ductile Iron Pipe furnished for the benefit of the City in connection with City Controller's Contract No. 25939 and 25939F and providing for the payment thereof."

Which was read.

Also,

Bill No. 3204

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of N.C.R. for the cost of Repairs made on two N.C.R. Bookkeeping Machines without previous authority of law."

Which was read.

Also,

Bill No. 3205

A Resolution entitled, "Resolution providing for the issuance of a warrant to Rose Young and Lola Covington, c/o

Arnold H. Cantor, Esquire, 5880 Ellsworth Avenue, Pittsburgh, PA 15213 in the amount of \$3,868.30 in full settlement of a claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 6

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3307

Report of the Committee on Public Works for June 22, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3188

A Resolution entitled, "Resolution providing for a Contract or Contracts for

the Widening and Reconstruction of the Pennsylvania Avenue Bridge over the Conrail Railroad and Roadway from Brighton Road to Allegheny Avenue, including work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley for Mr. Robinson presented

Bill No. 3308

Report of the Committee on Planning, Housing and Development for June 22, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative

recommendation,

Bill No. 3198

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE OF REHABILITATION)."

Which was read.

Also,

Bill No. 3199

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Philip and H. Patricia Ortego and Kazimierz and Wasylina Kokocinski for the sale of Block 12N Lot 224 in the 17th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3200

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Associates for the sale of Parcels 74, 102 and 208 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS)."

Which was read.

Also,

Bill No. 3201

A. Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Shirley Jean Cole for the sale of Block 175A Lot 9 in the 13th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3202

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and James Shipp, Jr. for the sale of Block 7B Lot 235 in the 21st Ward of the City of Pittsburgh (RESALE FOR REHABILITATION)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

Also,

Bill No. 3240

A Resolution entitled, "Resolution providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant not to exceed 7.1 million dollars in connection with the 1983 Community Development Block Grant Emergency Jobs Bill Program; providing for the execution of Grant Contracts and for the filing of other data; approving the 1983 Community Development Block Grant Emergency Jobs Bill Program providing for required assurances; providing for execution of Payment Vouchers on Letter of Credit and for certification of authorized signatures; creating special trust fund or funds in connection with the project; providing for the deposit of the funds in a Bank or Bank Accounts and providing for payment of expenses within categories and authorizing an appropriate distribution of funds to minority controlled financial institutions."

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 3240, we did unanimously pass that bill with the understanding that I will be meeting with the appropriate representatives of the Administration to work out some of the details on the various projects. I did have an opportunity to meet with them on Friday and also had occasion to talk with some representatives of the Council. Each member of Council should have before them some proposed amendments that were worked out to Council Bill 3240 and I would appreciate Council's consideration of these. If I

might just take a second --

Michelle Madoff:

Are you going to hold the bill?

Mr. Robinson:

No, I'm going to ask that we go down that list and if there's any questions that the members of Council have, I would be very happy to explain that to them.

While you're doing that, I'd just like to make mention of two factors. One, we must have our application submitted by July 1. That means that if we do not take action today, we will not be eligible for the \$7.1 million. So, it is imperative for us to take action on this bill today.

Let me just mention to you some of the changes that were worked out from the bill that was passed on Wednesday. Items 14, 16, and 17, as you can see, no specific appropriation is being requested for those three items. Items 16 and 17 are included in Item No. 1 where \$600,000 will be made available for minority and women employers under the Direct Employment and Training Program. Basically what will occur here is that for the women's and minority businesses the employer's will only have to pay 25 cents on the dollar and 75 cents will be paid by the City of Pittsburgh.

On Item No. 14, the \$200,000 that was originally planned for the temporary shelter has been removed because in discussions with Mary Hall and others who represented a coalition of groups working on a temporary shelter, it was discovered that the program is not ready to move forward and probably would not be ready in time for us to spend the money in the appropriate fashion. Each member of Council does have in front of

them a copy of the proposal relative to the issue of the temporary shelter and it was felt by those of us who attended the meeting that there should be some sort of commitment to a temporary shelter in the City and that when we receive our next Community Development Block Grant Funds that we might want to very specifically designate an amount of money for the temporary shelter. But the removal of that \$200,000 does not represent a lack of support, only the fact that the temporary shelter concept is far from being finalized and it would not be appropriate at this time to take \$200,000 out of the temporary jobs money. But I believe that we could find some money in our Community Development Block Grant allocation for next year.

That covers the three items that were removed.

For the items that have an adjustment in them, let me indicate that you should look at Item No. 13 which is the Wall Improvement Program. On Wednesday, we approved \$1 million for this program. In discussions with the Planning Department, there were a number of walls that were identified as needing some substantial work. So, we took money that had been in some of the other projects, we took portions of money, to come up with \$1,635,000 for that effort to make sure that we would be able to do the walls in the City. There are probably some other walls that have to be done. We will be able, hopefully, to address that concern with money that can be reprogrammed in the event that all the projects listed here are not completed.

Michelle Madoff:

May I ask a question, Bill? I'm rather confused. As I go down this list, renovations of fire stations, playground rehabilitation, wall improvement

program, I would assume come out of our capital dollars, bond money.

Mr. Robinson:

If you would let me finish my explanation, I'll try to address what I believe is your concern about infrastructure. I believe that's what your concern is. But I'd just like to go down and try to explain to you the rationale for the projects that are here.

No. 7, Commercial Industrial Loan Program/Pittsburgh Neighborhood Alliance. Originally we had approved \$1 million which was double the amount that the Administration had agreed on which was \$500,000. In trying to find monies for the Walls Program, we reduced the Commercial Loan Program back to \$750,000. Part of the discussions that were had with neighborhood groups that wanted \$1 million centered on taking approximately 20 percent of this money and using it very specifically for minority business development. That idea has been dropped, so the \$750,000 is probably a workable amount for the Commercial and Industrial Loan Program to go into the original eight community development areas.

I don't believe that you will see any other changes on the document that have not been addressed other than Item 5 which was reduced by \$100,000 and that \$100,000 was included in the \$1.6 million for the Wall Improvement Program.

Michelle Madoff:

Bill, I don't think you understood what I was saying. I'll try again. Okay?

We would be renovating fire stations whether we had this windfall bill or not. The jobs will not go to the unemployed, they'll go to people who are not presently working, doing that kind of

work, in any event. So will the playground rehabilitation. The neighborhood development money will come from CDBG money. I would hope that more of the money would go into projects that would create jobs for those who really and truly are not in on-going jobs. That's one.

Two is that I'm very concerned that No. 13, the Butler Street Waterline, was removed from the original. The thing that disturbs me greatly, Mr. Robinson, is that you know you had great difficulty getting information from Department Heads and I'm having great problems, Mr. Stone finally agreed with me that if I don't get the information shortly, I'll not vote anything out of my Committee on Water. When I said to Mr. Cosentino that I want to bring up the four years that we're behind on service lines and repairs and brakes and so on, he was to give me a number. He immediately, of course, panicked, went to the Administration, and they got a legal opinion that said that from the curb to the main, maybe we're not responsible for pressure. A bunch of B.S.

The important thing is that if we take the money out, and I think it should be taken out, the Butler Street Waterline, the implication I'm hearing is they won't do that line. Do you hear what I'm saying?

Mr. Robinson:

I can't speak for the Administration

Michelle Madoff:

Did you understand what I'm saying?

Mr. Robinson:

I understand.

Michelle Madoff:

I'm having great concerns that this windfall, supposedly windfall money, was supposed to be there to generate jobs. Those jobs would be there, putting the Butler Street Waterline in, for the pros. The people that we do contracts with anyway. It isn't going to create one job in the private sector for the unemployed people. I don't think we're going to create any jobs with the fire station. I think you're going to use the people who are experienced in doing fire stations who are already working. I have some real concerns about this whole project.

Mr. Robinson:

Let me answer that question in two ways. One, let me say that from the time the Administration submitted this bill until today, there certainly has been ample opportunity for anyone who wanted to have any input into it to have that input.

Also, repeated requests from members of Council to the Administration to make some alterations in their original proposal didn't seem to be carrying much weight until such time that myself and Councilman O'Malley submitted a substitute bill. The Administration has not seen fit to make very many adjustments. Just about all of the adjustments that you see here represent the effort of myself and Councilman O'Malley to bring that about. I personally have no problems with removing the infrastructure program. That's one of the reasons I originally removed the Butler Street Waterline.

Michelle Madoff:

Bill, may I make a suggestion? One of the major problems we have in the City that would create some jobs is

demolition. Do you know how the demolition people take down houses? They go out on the street and they find people in Homewood or in the Hill and they say, "Do you want to make some money today?" And that's how they do the demolition. Under supervision and they get them insured. That would create some jobs. And we have a tremendous demolition problem in the City of houses that should be taken down.

I would like to see the renovation of fire stations, for example, that \$150,000, put into demolition. I'd like to see playground rehabilitation put into demolition. Rodent control, you know, we were told they're doing a fine job and they don't need the money. Everything's just super-duper. But we're told that we don't have people to clean out some of the hills and do weeding. We're not even setting a good example for the City to take the rodent control and put it into taking care of our own properties in the City, our own lots.

So, Item 3 would be lot cleanup. Renovation to fires, that's 8 and 9, would become demolition.

Mr. O'Malley:

Mr. President, I want to make a motion to approve the bill as it is. We've been working on this bill for three weeks and as Councilman Robinson says, anybody on this Council has ample time to have input on this bill for the past three weeks. We have a deadline to get this bill passed by this Council —

Michelle Madoff:

I'm not asking for a very major alteration. Frankly, I wouldn't have known about this if I hadn't heard that Butler Street may not get done.

Mr. O'Malley:

Well, I object to 8 because I've been trying to get some of our fire stations and some of our police stations rehabilitated for as long as I've been on this Council —

Michelle Madoff:

You're absolutely right. But I've been trying to get our waterlines fixed. And we're not getting that done and we're four years behind. And I think you're absolutely right. At budget time, we ought to say —

Mr. O'Malley:

What do you want to do with this money then?

Michelle Madoff:

I want to use that money for demolition of property that is endangering lives, where kids are hanging out smoking pot and the buildings are in danger of falling over. You get mail and I get mail on it all the time. Those are my only two changes. They are that 3 would go to lot cleanup and 8 and 9 would go to demolition of properties that are hazards in the City. There's no money in that department. Imhoff says that all the time.

The Chair:

Mr. O'Malley, were you making an amendment?

Michelle Madoff:

He's willing to accept my amendment.

The Chair:

Wait a minute. There's five people

talking at one time.

Mr. O'Malley:

No, I wasn't making an amendment, I was making a motion. But I will take back my motion. I was going to make a motion to approve as it is but I think my colleague should have ample time for discussion.

Michelle Madoff:

I'm just saying I want to leave the bill as it is with just three changes. Item 3 which is rodent control would go to lot cleanup. There's been big stories about the fact that we're going out and citing everybody else and not cleaning up our own property and being told by Mr. Natoli and other people, "We just don't have the people to do it." We don't need skilled labor to create jobs. That's number one.

The Chair:

Mr. Robinson, you don't want to amend the bill?

Mr. Robinson:

I don't have any problems with —

Michelle Madoff:

Okay. Bill, on 8 and 9 which is renovation of fire stations and playground rehabilitation I'll back you at budget hearings and let's put that into demolition of properties where it now has no money.

Mr. O'Malley:

What are you saying here?

Michelle Madoff:

No. 3, that \$300,000 will go to lot

cleanup. That No. 8 and 9 which is \$150,000 and the \$280,000 would go to demolition. That's the only change.

The Chair:

I need a motion. Do you want to enter those amendments or don't you?

Michelle Madoff:

I move to amend those three bills, that the \$300,000 for rodent control goes to lot clean up and 8 and 9 would become Capital Budget and now the money would go \$150,000, \$280,000 to demolition of the dangerous properties and in all of that you don't need skilled labor and we're putting people to work and we're not having people work, you know, the fire station roof fixer who's been doing that all along, getting the job, but we're creating jobs for other people.

Mr. O'Malley:

Michelle, would you repeat that slower please? What are you going to do with 3?

Michelle Madoff:

Three becomes lot clean up.

Mr. Givens:

I have a question on that, Michelle. Whenever it was brought up during the budget session on rodent control we have an increase.

The Chair:

Wait a minute, Mr. Givens. It's getting a little silly.

Is there a second on the amendment? There being no second, the amendment fails.

Mr. Givens:

I want to discuss this.

The Chair:

There's no second. You have to have a second before you can discuss it, Mr. Givens.

Mr. Flaherty:

I second the motion.

The Chair:

Now discussion.

Mr. Givens:

Thank you, Mr. President.

Michelle, rodent control is a very serious thing. Once it gets out of hand —

Michelle Madoff:

I agree with you, Dick. But they say they have enough money and they don't have a problem. But we have a big problem with the litter and that was litter with lot cleanup which creates rodents.

Mr. Givens:

Well, you see, we still have some Unspecified Local Option money here that we can —

Michelle Madoff:

No, we need that money. Walker says he has enough. Walker came to this Council and said he had enough money. I asked about rodent control before.

Mr. O'Malley:

On playground rehabilitation, we've

had people from all over this City come into this Council saying that the playground is in deplorable condition. I think spending some money to maintain these playgrounds --

Michelle Madoff:

Honey, that's where we have our biggest surplus every year. That's where Louise Brown has her surplus. Let her spend the money. What's your problem? The money is there.

Mr. Woods:

I'm against the amendments, the ones on this sheet, because I agree with Councilman O'Malley that we've had numerous public hearings the last few months on these playgrounds. They're falling apart. They need rehabilitated.

On these fire houses, that does create jobs. No matter if the same contractor gets it time and time again, it's still keeping somebody working and not on the unemployment list. So, that is creating work.

Michelle Madoff:

Excuse me, Mr. Woods. May I respond? Those monies are available anyway. This is a windfall to create jobs for the unemployed. Those projects are going to be done in any event. The fire stations are going to be done out of the capital money, bond money.

I made a motion to amend three lot clean up, renovation of fire stations and playgrounds, where the money is already in Parks and Recreation. It's going to create a surplus this year. The money is there anyway.

The Chair:

Roll call vote on the amendment.

Mr. Givens:

Reluctantly I have to vote no because rodent control has always been a serious problem in the City and we're not addressing the issue. We barely have enough money in there. This money is specified under this jobs program and it must be spent, in fact, for what it is intended for. That should create additional jobs. That comes under my department and I will look into it to make sure that they spend the appropriate monies that we have given them, plus this rodent control which will give us up to nine months before the Administration --

The Chair:

Please, Mr. Givens. Yes or no. You had your chance under remarks.

Mr. Givens:

I have to explain my vote, please.

The Administration came up with six months worth of money for rodent control. We expanded that to nine months. This will give us now one year. You know, the rats don't go away. They stay there and you have to keep on fighting them.

As far as the renovation of the fire stations, I think any of us have to go into some of our fire houses in the City of Pittsburgh and know that they need this extra renovation and, of course, that's more or less in-house but that can be contracted out, hopefully it will, and create jobs.

The playground rehabilitation, you know, Riverview Park over there, they have been asking for money to alleviate problems in the Riverview Park area. We did not have money in the budget. I would hope that this playground

rehabilitation money would be used to help that Riverview Park situation out. Also, the Bloomfield situation is another one where there is no money in the budget. I think we should help those two particular areas out.

Michelle Madoff:

Point of clarification. The money is already in Parks and Recreation to do the job. We always end up with a surplus. They just don't want to spend the money. That's the sad part. By changing this around, what we do is force that money out at budget time and we at least create some immediate jobs for people in demolition and in lot clean-up. I vote yes.

The Chair:

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff

AYES 2 NOES 6

VOTING NO:

Mr. Givens	Mr. Robinson
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

Is there any further discussion?

Mr. Woods:

I make the motion that we accept, that we approve, these amendments as presented by Councilman Robinson.

Mr. Givens seconded the motion.

Mr. Givens:

Bill, the only one I have a little bit of problem with — All of your amendments, I think all of them are noteworthy with the exception of the commercial industrial loan program. We just cut that by \$250,000. And I noticed you did increase the direct employment and training. The Mayor's original on that was \$1.4 million. Of course, Bill, your first amendment came in at \$1,025,000 and remained that and now you've up it to \$1,625,000 and I noticed the remark here for minority and women employers to be guaranteed \$600,000. I don't have any problem with that but I'm wondering, where can we get \$250,000 to increase the commercial industrial loan program, which in fact stimulates the industry, the people out there in our communities that have business people ready to go and indicate that they can spend that \$1 million with no problem at all. How can we justify cutting that back \$250,000?

Mr. Robinson:

Let me explain it this way, Dick. The bill that was originally submitted by the Administration, 3165, provided \$500,000 for the commercial industrial loan program. In some discussion with some community representatives and PNA and some members of Council, it was thought that by taking that figure up to \$1 million we could generate

additional employment opportunities. I certainly agree with that. When the conference was held with the Administration to work out some of the fine details of the bill, we were looking for monies to spread among a variety of projects and it was decided that we could take \$250,000 out of the commercial industrial loan program. We still would have \$250,000 more than the Administration had originally proposed and that if there were monies, for example, that you needed for that, say you needed money for that, you could take it out of the Unspecified Local Option, which is \$625,000.

Mr. Givens:

Then I would ask that at least we earmark almost \$250,000 for that and I'm sure they'll be able to come in and show us good, solid, hard proof that they'll be able to spend that \$750,000 very quickly. I know a lot of these communities are really wanting to move out and they're putting an extremely good effort into it.

Mr. Robinson:

Dick, let me make a suggestion to that regard because I think your point is very well taken. Let me just mention that under the Unspecified Local Option, we of the Council have a lot more leeway for spending this money in terms of time. This is one of the reasons that I fought so hard for Unspecified Local Options.

Dick, I think your point is well taken but there's one thing I'd like to caution us on. Rather than commit \$1 million at this time, I would suggest that we leave the \$750,000 where it is and that we earmark \$250,000 out of Unspecified Local Options for that commercial industrial loan program and we'd phase it in as they needed it as

opposed to putting \$1 million there and maybe they can't spend it. But the Unspecified Local Option fund is there to cover those kinds of contingencies.

Mr. O'Malley:

I agree with my colleague, Councilman Givens, on that. I'm not so sure that Council's Unspecified Local Options are going to be available at the time that the commercial industrial loan program needs additional funds. That's what worries me. The commercial industrial loan program creates one job for every \$5,000 expended. The direct employment training program creates one job for every \$14,000 expended. So, my concerns lay with the commercial industrial loan program and if it's possible, I'd just as soon amend the bill now.

Mr. Robinson:

That's fine. I'd like to make an amendment to 3240 under the program proposed. I'd like to amend Item 2, City Council, Unspecified Local Options, to read —

Mr. O'Malley:

I don't want to amend it from Council Unspecified Local Options because what we're doing is taking the money from ourselves. I would rather take the money from the Administration. The problem we've had on this Council is that the Administration has always taken our Unspecified Local Option. I'd rather take it from the direct employment and training.

Mr. Robinson:

Okay. Then I make a motion to amend No. 1, Direct Employment and Training, to reduce the amount from

\$1,625,000 by \$250,000 and to add that amount to No. 7, Commercial Industrial Loan Program.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Flaherty:

Mr. President, I wish to offer an amendment. Incidentally, when we commenced on debating the emergency jobs bill program, this was the first time that I saw the most recently amendment proposal.

What I would want to do, in view of the fact that Council today are on the road to enacting a plant closing notification bill, I think that it would tie perfectly into an emergency jobs bill program. We are aware that the bill is providing for a bureau which is going to assist plants or industries that are experiencing problems and I think that an emergency jobs bill program would be, if I may say, quite perfect, that the funds would be administered from it.

Therefore, I'm moving that we eliminate 8 and 9, that's the renovation of the fire stations which are \$150,000. They're capital improvements and they shouldn't be in an emergency jobs program. I move to delete the \$150,000 for the renovation of the fire stations and the \$280,000 for the playground rehabilitation.

Mr. O'Malley:

For what purpose, Mr. Flaherty?

Mr. Flaherty:

To earmark that \$430,000 for the bureau that is included in the bill that was passed here today for plant closing notification. Essentially, it would

establish a fund of \$430,000 to facilitate community worker responses to plant closings. This fund would also provide the planning and the seed money for those efforts and provide the basis for the worker community groups to obtain more substantial funding from the various governmental programs as well as from the private market.

Michelle Madoff seconded the motion.

Mr. Woods:

Point of order, if I may. Michelle had made a motion to vote it down. Now, is it proper to have somebody make an amendment and vote on it again?

Mr. Flaherty:

It's a different amendment.

Mr. Woods:

Let me get finished, please. I listened to you.

Parliamentarian?

Parliamentarian:

No, it's not the same amendment.

Mr. Woods:

Let me explain. It's true, he had 7 and 8. Michelle's had rodent control in there. The third one. But we voted it down. Now, Mr. Flaherty is coming in saying he wants to remove these too. It's virtually the same other than the one.

Michelle Madoff:

For a different purpose.

Mr. Robinson:

Mr. President and Councilman

Flaherty, I don't have any real problem with the intent of what you'd like to do, Tom. I just think that it might be more appropriate if you looked at Code Account 42. The reason I say that is that Code Account 42 is the account that was established to receive all the unspent salary money during the year. The Administration is in the process of transferring that money into Code Account 42 which is controlled by Council. There probably would be more than enough money in that code account to address your concern and I think that way we would not have to disturb the items in Council Bill 3240 and you still could have your concern addressed about putting together some sort of administrative mechanism for the plant closing legislation.

Mr. Flaherty:

Well, it was my understand that last year, what was transferred into that code account was awash, that there was not substantial funds transferred and I would caution Council to be wary of what the Administration's public stand is in regard to plant closing notification and I don't think that it would be illegal for them just to refuse to provide the funding for the bureau.

So, I think this is an opportune time here. It's as plain as daylight. This is an emergency jobs bill program. We're talking about implementing that bond for the plant notification bureau that we have just passed. There couldn't be anything more compatible. I think it would certainly give Council the impetus and we would be on the road to giving real teeth and real credence to what we have enacted.

I also have a problem with including renovations for fire stations and playground rehabilitation. I don't think that's going to create any jobs. I

think —

Michelle Madoff:

An \$18 million surplus last year.

Mr. Flaherty:

Yes. It isn't going to create any jobs and that was the purpose of the Feds giving the City an infusion of \$7.1 million. It's a one shot deal. It was given to us with the belief that we would be creative and we would put it to use in keeping people employed. I couldn't think of a more needy way to do it than to implement and utilize the funds for our plant closings.

Mr. O'Malley:

I agree with my colleague's theory. The only problems I have with it is that plant closing legislation passed Council and I'll abide by the majority of the members of this Council. I have no problems funding it at the appropriate time but where I have the problems is that we're on a deadline here. This has to be submitted to the Federal Government and I'm not so sure that we could put in funding for a bureau that in essence is not in creation yet. The steps that have to be taken are that it has to go to the Mayor and he has ten days to approve it or to veto it. Then it has to come back to this Council for a vote. It's my understanding that this piece of legislation has to be in by July 1 and I'm not so sure that we should put the whole program in jeopardy.

Mr. Woods:

Mr. President, in all due respect to all my colleagues because I jumped into this thing late, now the bill, and there are a few people who really worked hard on it and came up with these recommendations, and now we're all

throwing in amendments, all nine of us. If we're going to do that, let's just start redoing this bill and everybody sitting here take this paper and put it over here and start writing down our pet projects, I want a million for this and I want \$600,000 for that, let's just redo the whole thing right now because we could do it in probably fifteen or twenty minutes here that these people worked weeks and weeks on. This is what they came in with and we all agreed but we didn't have time and I include myself into this thing. I came up with this amendment and that amendment. We should have spent the time like they did.

The Chair:

We'll just keep going and blow the whole program.

Mr. Woods:

That's exactly what's going to happen here because if that amendment passes then I want an amendment and I'm sure —

Mr. O'Malley:

Make a motion to approve.

Mr. Woods:

I made a motion to approve.

Mr. O'Malley seconded the motion.

Mr. Flaherty:

I have an amendment on —

Mr. O'Malley:

There's a motion to approve the bill as it is.

The Chair:

Wait a minute. There's an amendment on the floor and there's a second. Roll call vote on Mr. Flaherty's amendment.

Mr. Flaherty:

I vote aye because I believe that the amendment tends to dovetail perfectly into an emergency jobs program and I think it's unconscionable when we have 16 percent unemployment that we are taking money, tax dollars that were earmarked for the unemployed, and putting it into the renovation of fire stations and playground rehabilitation which are not going to create one job and which are being utilized now, in my opinion strictly for political reasons, to bloat the surplus for certain politicians at the end of the year.

Mr. Givens:

I vote aye on it and I reverse my trend when I said fire stations are in need of repair and also playground rehabilitation. I think there's a great need there also. But Tom and I have looked into where the money is going to come from. The bureau is not going to cost but about, I would assume, \$100,000 for one whole year as I explained last Wednesday. But to have a reserve fund to help out businesses that need employment and other things, I think this would be a very appropriate place because, as it's indicated, this is capital improvements within these two particular areas.

For that reason and that reason only, in the seriousness of what's happening to our unemployed, I would vote yes on that amendment.

Michelle Madoff:

These two items do not belong in this budget. They are creating a further surplus. We had \$18 million last year and we're going to have at least that this year. This ought to go for the bill that Councilman Flaherty has introduced. I vote aye.

Mr. Robinson:

I'm going to vote no because I think that Item 2 addresses Mr. Flaherty's concern. It is under Unspecified Local Options, Councilman. We certainly could identify some money for the purpose that you mentioned and I think —

Mr. Givens:

I hope some will be left there, Bill.

Mr. Robinson:

Well, I think being very serious, if Council is really concerned about 3240 and 3165 and 3166, we have to recognize that certainly when those bills were introduced and when we had discussions that all the issues that are being raised today were there and if it were not for that fact and the fact that we must take action today, then I think that we'd have the luxury of trying to make some movement here. These bills have been widely discussed. They've been the subject of all types of analysis and certainly the Administration has been steadfast in pushing for the infrastructure program. I, for one, don't necessarily agree with all these infrastructure programs that they have in here. If I had my brothers they would all be out. But Councilman Robinson is only one person.

Michelle Madoff:

I'm voting with you.

Mr. Robinson:

Well, this is the twelfth hour and all I'm saying is if you want to do what Councilman Woods wants to do, I have no problem in doing that but I think that we should look at what provisions are made to address some of the concerns and I would hope that Item No. 2 would be utilized to address a portion of Councilman Flaherty's concerns.

So, I'm going to have to vote no to take 8 and 9 out and to specifically use them for the Bureau of Employee Security or whatever the specific bureau will be named under that plant closing legislation.

Mr. Woods:

I vote no and if 8 and 9, renovating a fire house and rehabilitating playgrounds, doesn't create jobs, I don't know what does. People go to work doing that.

Michelle Madoff:

The money is there already, Mr. Woods, to do that. We don't need to take this money —

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff

AYES 3

NOES 5

VOTING NO:

Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

On the bill itself?

Mr. O'Malley moved to approve the resolution.

Mr. Givens seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

I am reluctantly going to support it because I think there are some worthy programs in here but I am unalterably opposed for what is close or in excess of anywhere from \$1-1/2 million to \$2 million which is being utilized for infrastructure projects which should be coming from CDEG accounts or from a bond issue. I think it's unconscionable to be putting them into an emergency jobs program and I don't think that was the intent of the Feds when they gave us this one shot appropriation of \$7.1 million.

Mr. O'Malley:

I'd just like to make one comment. Some of us have been working on this legislation for two or three weeks and as Mr. Robinson said, it's the twelfth hour. We certainly would have welcomed all this input two weeks ago.

Mr. Flaherty:

I worked on it as much as you worked on it.

Mr. O'Malley:

I doubt that very much.

Michelle Madoff:

Let's not fight. It's a difference of opinion.

Mr. O'Malley:

I think it's an excellent bill. I think it addresses the needs of the City of Pittsburgh and I vote aye.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3245

A Resolution entitled, "Resolution

amending Res. No. 647, eff. July 13, 1981, as amended by Res. No. 1104, eff. Nov. 12, 1981, entitled: 'Providing for the acceptance by the City of Pittsburgh from Dolores May Salago of certain property in the 24th Ward of the City of Pittsburgh, for public greenway purposes, for a nominal consideration plus the cost of title examination, recording of deed and other proper closing expenses; and providing for payment of the cost thereof, so as to eliminate for a nominal consideration plus the cost of title examination, recording of the deed and other proper closing expenses, at a cost not to exceed \$500.00 payable from PMMP Trust Fund.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3309

Report of the Committee on Water for

June 22, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3150

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Installation of Large Water Meters by contract; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3193

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of a Miller Fluid Valve; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3194

A Resolution entitled, "Resolution providing for a Contract or Contracts for Rehabilitation of Six (6) Synchronous Motors at the Brilliant Pumping Station and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3310

Report of the Committee on Lands and Buildings for June 22, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3179

A Resolution entitled, "Resolution amending Res. No. 301, eff. May 6, 1983, entitled: 'Resolution providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with rehabilitation of No. 17 Fire Station, Mt. Washington' by increasing the total cost from \$365,000.00 to \$425,000.00."

Which was read.

Mr. O'Malley:

On Bill 3179, the renovation and rehabilitation of No. 17 Fire House in Mount Washington, does that include the renovation of the police station up

there?

Mr. Flaherty:

No, it doesn't.

Mr. O'Malley:

What are they going to do with the police station?

Mr. Flaherty:

I would have to contact the Director of Lands and Buildings to find out.

Mr. O'Malley:

Okay, then this is just for the fire station?

Mr. Flaherty:

Just the fire station.

Mr. O'Malley:

Could you let me know on that, Tom?

Mr. Flaherty:

Sure.

Also,

Bill No. 3180

A Resolution entitled, "Resolution providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with handicapped improvements and accessibility at the Public Safety Building; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3181

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the relocation and/or the installation of an overhead electrical system consisting of one (1) anchor, guy wires and other necessary appurtenances together with one (1) submarine cable crossing marker on City property, River Front Park, 16th Ward."

Which was read.

Also,

Bill No. 3182

A Resolution entitled, "Resolution providing for a Contract or Contracts, including the use of existing Contracts, and/or an Agreement or Agreements in connection with energy conservation improvements at various locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3183

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein."

Which was read.

Also,

Bill No. 3184

A Resolution entitled, "Resolution amending Item (C) of Res. No. 225, appr. April 11, 1983, which authorized the forfeiture of hand money of Fames F. Moody, for failure to comply with the Agreement of sale in the purchase of property in the 13th Ward, being a 2 Story, Brick house located at 7005 Bennett Street, designated as Block 125-H, Lot 333A, selling for \$3,000.00."

Which was read.

Also,

Bill No. 3185

A Resolution entitled, "Resolution amending Item (C) of Res. No. 311, appr. May 6, 1983, which authorized the sale of property in the 3rd Ward, being a 2 Story, Brick house, located at 2011 Fifth Avenue, designated as Block 11-F, Lot 116, to Anthony F. Williams, for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 3186

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 3195

A Resolution entitled, "Resolution authorizing and directing the Director of the Department of Lands and Buildings to include in all legislation providing for the sale of city-owned property

information indicating the last date the property was appraised, an estimate of the cost necessary to improve the property, and information as to how the prospective buyer became aware that the property was for sale."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, very quickly, I would like to ask that the memo sent to City Council from Psychological Service of Pittsburgh relative to our police examination be included in the record. I think it does state that Psychological Service is aware of our concern relative to the psychological test that they give to police recruits and does reflect their concern that they continue to give us high performance and high quality and that they will be cognizant in the future

of problems and difficulties that arise from the administration of that test.

Also the record should reflect that they have indicated that they will reevaluate their staff and see if they can use the services of additional psychologists to improve their service.

(MEMO FROM PSYCHOLOGICAL SERVICES OF PITTSBURGH)

TO: City Council,
City of Pittsburgh

FROM: William P. Sullivan, Ph.D.,
Director of Research,
Psychological Service of
Pittsburgh

DATE: June 23, 1983

RE: City of Pittsburgh Police
Assessment Procedures

In response to City Council's concerns about the rising rejection rates of police candidates, Psychological Service of Pittsburgh would like to assure Council members that the increased rejection of candidates reflects an increased precision in the assessment process that would be expected in any successful, long-term selection system.

Ever since the current police selection program started in 1976, our assessment techniques for police officer candidates have not been static. Each time a new class of police officers has been selected, our professional staff has re-evaluated the procedures and improved their accuracy.

In 1980, we conducted a formal validation study of the Pittsburgh police assessment procedures. This study indicated in precise, objective and scientific terms, exactly which temperament, personality, and

motivational traits are descriptive of successful Pittsburgh police officers, and conversely, which traits are related to poor performance, or failure, on the same job. The study was done in accordance with specific EEO guidelines on test validation and it turned out to be a very successful undertaking.

Having reviewed the police selection procedures in use in major cities throughout the United States and compared our validation results with all the others, it is our own professional opinion that the City of Pittsburgh probably has one of, if not the most thorough, accurate, valid, and defensible police selection programs in use in the United States at the present time.

Aside from increased precision, however, there appears to be another factor involved in the current police officer candidate group. The current police candidates took the police written examination (which was validated in 1980) in 1981. Two years later, 1983, they are continuing the process with the psychological and medical examinations. While we can't be certain, we would guess that during the intervening two years, the City may have lost a large number of highly qualified candidates. Assuming a superior candidate would more easily find other satisfactory employment, we feel that there are disproportionately fewer superior candidates in the present group. Consequently, the rejection rate of this year's group would be higher than in earlier years.

Following our assessments of the present candidate group, Psychological Service of Pittsburgh will again plan to re-evaluate our techniques on the performance of the selected group. Our goal is to provide the finest, most accurate, and most defensible police selection program available in order to

insure the selection of high quality, well-motivated, and emotionally stable police candidates, while working toward the goal of further integrating the Pittsburgh police force with qualified black and female police officers.

WPS:rk

(END OF MEMO)

(MEMO FROM PHILIP B. SCHUGAR)

TO: Members of City Council
City Council

FROM: Philip B. Schugar,
Deputy Director
Personnel and Civil Service
Commission

DATE: June 2, 1983

RE: Requested Information
Regarding Council Bill 3095 -
Psychological Services of
Pittsburgh

The following information is being provided concerning the above referenced Council Bill as requested:

1. Names of professional Psychologists at Psychological Services
 - a) Dr. William Sullivan
 - b) Dr. Mary Cole
 - c) Dr. Stephen Guinn
 - d) Dr. James Horgan
 - e) Dr. Richard Miller
 - f) Dr. J.R. Porter
 - g) Dr. Lori Russell
2. Development of the system for the Police Psychological Evaluation Process
 - a) Psychological Services assisted in the development of the screening process for City of

Pittsburgh Police Officers.

- b) The system developed meets all standards of the federal guidelines and the system has been validated as a valid job-related system.
- c) A profile was developed which shows what a successful Police Officer would be like. The results of the tests administered are compared with the standard profile to assess the potential officers.
- d) As indicated in (c) above, two written psychological examinations are administered.
- e) In addition to the written examinations, background investigations are performed (e.g. military background, educational background, etc.) to get a complete picture of the Police Officer candidate.
- f) After the results of the written tests and the background investigation are completed, a personal interview between the candidate and one of the seven professional Psychologists is arranged. This interview serves as a verifying interview to insure that the information gathered is accurate and gives the candidate an opportunity to clarify any information.
- g) The total information gathered allows the Psychologist to develop an individual profile which then can be compared with the previously identified standard profile of a successful Police Officer.

- h) The profile and the results of the interview are then discussed by all Psychologists with the recommendation being a group decision.

3. Bid vs. Contract for Services: The Psychological Services contract is a professional services contract and, therefore, is not competitively bid.

4. Other Groups Who Could Perform the Same Services: We are not aware of any groups that have developed or utilized a job-related valid psychological/background evaluation system that would meet the requirements of the Uniform Selection Guidelines.

PBS/sr

(END OF MEMO)

Mr. Robinson:

That's one item. A second item relates to the Convention Center hotel project. As Council is aware, we have a bill that's pending relative to terminating the agreement with the present developers. I think it would be important for us to get an update from our Urban Redevelopment Authority from Director Brophy as to where we stand in terms of moving forward with that project. We need to know whether or not the financing is in place to move forward that project, and if not, what plans Urban has for us to secure another developer. I would suggest that we have a post agenda on July 13. If Mr. Brophy is able to provide us with some written information prior to that time, perhaps we can cancel that post agenda. But I think it's imperative that we stay on top of that matter.

The last item relates to the Phoenix Hill Shopping Center which, as

many members of Council know, has been closed for some time. Mr. Brophy was kind enough to forward to Council a letter detailing the status of that project and I'd like to have a copy of that letter included in the record.

Thank you.

(LETTER FROM PAUL BROPHY, URA)

June 24, 1983

Mr. Michael Perry
City Clerk
City of Pittsburgh
510 City-County Building
Pittsburgh, Pennsylvania 15219

Dear Mr. Perry:

This letter is in reply to your letter of May 3, 1983 concerning the Phoenix Hill Shop N' Save. First, I apologize for the delay in getting this response to you; quite simply, your letter was misplaced and a draft response did not get mailed. However, let me update you on the status of activities that the Urban Redevelopment Authority has been undertaking on a daily basis in an effort to reopen the supermarket.

A few months ago the Redevelopment Authority had a potential new operator, James Gray, a former manager of the Shop N' Save. The Redevelopment Authority, working with private lenders, had helped Mr. Gray to obtain the financing necessary to begin the operation of the Shop N' Save. Just as this financing was arranged, a creditor sued the current owners of the Shopping Center and this suit became a legal impediment in proceeding as we had arranged. This was very unfortunate. As a result, the URA has determined that the only practical way the Shop N' Save store can be reopened and leased to a new operator, is to foreclose. A

foreclosure would have the result of freeing the property from other creditors and put the supermarket and the Shopping Center in a position where additional financing could be arranged. We have arranged a meeting with the three mortgagees: Dollar Savings Bank, the Pa. Minority Business Development Authority and ourselves, in order to discuss foreclosure proceedings. The URA is prepared, with our Board's approval, to begin foreclosure proceedings. Since we are in the third and fourth mortgage positions, if we are to foreclose, the first and second mortgagees must agree with this approach and agree with a deferred payment of their mortgage until a new owner can be found. We are optimistic that they will agree to this.

In the meantime, the auction which was scheduled by the Small Business Administration of the store equipment for June 22, as been postponed for 4-6 months. Congressman Bill Coyne was very helpful in obtaining the postponement. This postponement was necessary because it would be impossible to obtain an operator for the supermarket if new equipment had to be purchased as well.

Once foreclosure proceedings are complete, the URA will take title and execute a lease with the Shop N' Save with Jim Gray. Concurrently, we will begin looking for a new owner capable of financing the completion of the two vacant areas in the lower level.

As you can see, this is a very complicated legal matter but one nonetheless which needs to be solved in such a way that the Phoenix Hill Shop N' Save can be reopened. It is obviously an important component of the continued recovery of the Hill District. I would be happy to answer any questions Council may have on this either through a special

meeting or at a Post Agenda session and I welcome any support Council can bring to bear to help facilitate the recovery plan which I have outlined above. If at any time I am not available to respond to a question, please contact Wendell Holmes, our Controller.

Sincerely,

Paul C. Brophy
Executive Director

PCB:lam

cc: Councilman Wm. Russell Robinson
Councilman Richard E. Givens

(END OF LETTER FROM URA)

Mrs. Masloff moved to excuse Mr. Stone for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Givens moved to approve the minutes from Monday, June 13, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to adjourn and meet again on Tuesday, July 5, 1983 at 2:00 p.m.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Tuesday, July 5, 1983

No. 27

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, July 5, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres. pro tem)

ABSENT:

Mr. DePasquale

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair (Pro tem):

Would everyone kindly rise for a moment of silence so that there will be peace on this earth. Thank you.

PRESENTATIONS

Mr. Robinson:

Mr. President and members of Council, it is indeed, in many respects, a joyful task to read this resolution and ask Council to adopt it.

As most of us know, the Honorable Thomas A. Harper, Judge of our Common Pleas Court, passed last week and I think that it's fitting that a man of his stature be so honored by this Council and so recognized by the people of the City of Pittsburgh.

So, I'd like to read this resolution and hopefully my colleagues will join in its intent and certainly send our condolences to the family.

Mr. Robinson presents

Bill No. 3354 WHEREAS, the Honorable Thomas A. Harper, Judge, Court of Common Pleas, Allegheny County, Fifth Judicial District, Pennsylvania, served the people of Allegheny County with honor and distinction; and

WHEREAS, his public service was manifest by membership and participation in numerous community organizations and public bodies such as School Director for the Borough of Braddock, Pennsylvania, Public Defender of Allegheny County, Community Action Pittsburgh, West Penn Motor Club, Tri-Boro Elks, Golden Gate Lodge #33, F & AM, Pittsburgh Branch N.A.A.C.P.,

Calvary AME Church, and many others;
and

WHEREAS, Judge Harper was a graduate of Kentucky State College, Virginia Union University, and Howard University School of Law where he distinguished himself as a member of the historic research team which prepared the briefs and oral arguments for the plaintiffs in the landmark decision of the United States Supreme Court in the case of Brown vs. Topeka Board of Education; and

WHEREAS, his judicial and legal career was punctuated with membership and participation in numerous legal organizations and associations.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh, on behalf of its citizens does hereby pay honor and tribute to the life and accomplishments of the Honorable Thomas A. Harper, who through God's Mercy and Divine Wisdom has ascended in Peace to his final resting place; and

BE IT FURTHER RESOLVED, that we pause to give comfort and solace to his family and many friends, as well as others who were touched by his spirit.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Robinson:

Mr. President, with your indulgence, I'd just like to ask two more things. One, if we might stand and have a moment of silence for Judge Harper.

The Chair (Pro tem):

Mr. Robinson, before we do that, if I may. Having had the opportunity to know the late Judge Thomas Harper when I served in the District Attorney's Office of Allegheny County and having had the opportunity to have him as an opponent and also to work with him on other cases and to be before him in the courts, I cannot believe this moment without adding my own words that this county has lost a good jurist, has lost a good friend and a man by all good men's standards.

At this moment, we'll all pause for a moment of silence.

Mr. Robinson:

Mr. President, secondly I'd like to ask that a gold seal copy of this resolution be passed along to his wife, Mrs. Gladys Harper, and also a gold seal copy to his sister, Mrs. Ruth Harper. Thank you.

The Chair (Pro tem):

Let it be so directed. Thank you.

Mr. Flaherty presented

No. 3315 Resolution providing for an Agreement/s for architectural/engineering services in connection with the rehabilitation of EMS #1 and EMS #2 at a cost not to exceed \$30,000.00 chargeable to and payable from LB 83-05 (4-25-03-1970-83) EMS #2, Department of Lands and Buildings.

Also,

No. 3316 Resolution authorizing the sale of property in the 9th Ward of the City of Pittsburgh, designated as Block 26-C, Lot 221, to Bruno Sciulli for

the sum of \$2,500.00.

Also,

No. 3317 Resolution amending Item (A) of Res. No. 401, appr. 6-10-83, for the sum of a hse. at 249 Dinwiddie Street, 3rd Ward, 11-E-272 tp Ronnie A. & Susan M. Mickle (W.) for the sum of \$1,000.00. Resolution is to correct the year of acquisition from 1979 to 1977. Both the proposal and resolution should read: Acquired on Sept. 12, 1977.

Also,

No. 3318 Resolution repealing certain Resolutions, appr. on various dates, as listed. Resolution is to cancel the sales, as listed, and to forfeit the hand money. Purchasers have not complied with the Agreement of Sale.

Also,

No. 3319 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 3320 Communication from Darly Smith, Director, Dept. of Lands and Buildings, requesting interim approval for payment to certain contractors for extra work performed in connection with the Vehicle Maintenance Facility, Phase II, at a cost not to exceed \$15,999.03, payable from Code Account No. LB-82-15 Vehicle Maintenance Facility in the amount of \$8,679.53 and LB-83-14, Renovations of Various Public Buildings in the amount of \$7,319.50.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3321 Resolution providing for an Agreement or Agreements of Cooperation between the City of Pittsburgh and the Port Authority of Allegheny County concerning the Light Rail Transit (LRT) Project at a cost not to exceed \$1,164,228.00.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3322 Resolution transferring the amount of \$2,500.00 from Code Account 1612, Materials to Code Account 1612-1, Repairs, both accounts within the Bureau of Operations, Dept. of Public Works. The transfer is to provide sufficient funds for Equipment Repairs for the remainder of the fiscal year.

Which was read and referred to the Committee on Finance.

Also,

No. 3323 Resolution amending Res. No. 815, appr. July 30, 1982, eff. Aug. 17, 1982, entitled: "Providing for a Contract or Contracts for the Reconstruction of the Stadium Street Retaining Wall, from Radcliffe Street to Stafford Street, including necessary work on private property and other work incidental thereto; and providing for the

payment of the cost thereof," by increasing the project allocation from \$100,000.00 to \$300,000.00.

Also,

No. 3324 Resolution providing or a Contract or Contracts for the Sewer Reconstruction and Intersection Chamber at Saw Mill Run Boulevard and Liberty Road, including work on private property and other work incidental thereto at a cost not to exceed \$175,000.00 chargeable to and payable from Code Account PW 83-17, 4-01-25-0753-83, Sanitary Sewers in Various Locations.

Also,

No. 3325 Resolution granting unto Andrew L. Pato, 1433 Schaufler Drive, West Homestead, Pennsylvania, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, an aerial encroachment for four (4) guy wires across a portion of Manitoba Street in the 15th Ward of the City of Pittsburgh, for the duration of the structure.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3326 Resolution authorizing and directing the Director of the Urban Redevelopment Authority to include in all legislation providing for the sale of URA property for sideyards information as to whether or not the property is buildable, and if so, whether or not the prospective buyer plans to build on the property.

Which was read and referred to the Committee on Planning, Housing and Development.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3327 Resolution providing for a Contract or Contracts for the Purchase of Water Meters and providing for the payment of the cost thereof at a cost not to exceed \$65,000.00 chargeable to and payable from Capital Budget Account WD-83-18 (4-05-25-0004-83) WD-83-19 (4-05-25-0005-83), Dept. of Water.

Also,

No. 3328 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting authorization for Anthony D. Randazzo, to attend the Managing Stress and Change Seminar at the Pittsburgh Airport Sheraton on July 19, 1983, at a cost not to exceed \$145.00 payable from Code Account No. 1701, Misc. Services, Dept. of Water.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3329 Resolution transferring \$50,000.00 from Special Summer Food Service Program in Trust Fund #1 to Special Parks Programs in Special Trust Fund #2 in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by

providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3330 Resolution authorizing the issuance of a warrant in favor of Aves International in the amount of \$942.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 3331 Resolution amending Res. No. 1385, eff. Jan. 1, 1983 as amended entitled: "A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by adding a new project North Shore Development Project (Allegheny Landing Park) at a cost not to exceed \$1,100,000 funded by a Land and Water Conservation Fund Grant.

Also,

No. 3332 Resolution repealing Res. No. 1309, eff. 12/21/82 entitled, "Providing for the letting of a Contract or Contracts, or for the use of existing Contracts for the furnishing and delivery of Various Play Equipment for the Dept. of Parks and Recreation at a cost not to exceed \$20,000.00 chargeable to and payable from Code Account No. PR-81-30, 4-10-15-0008-81, Play Equipment,

Dept. of Parks and Recreation, is hereby repealed.

Also,

No. 3333 Resolution further amending Res. No. 389 eff. May 1, 1981, amended by Res. No. 728 eff. July 21, 1982 which reads, "Amending Resolution No. 389, appr. April 22, 1981, eff. May 1, 1981 providing for a Contract or Contracts or use of existing Contracts for the improvement of the Alpine Street play area of Pittsburgh's North Side in connection with UDAG Program and providing for the payment of the cost thereof" by reducing the amount provided from \$50,000.00 to \$44,351.83 chargeable to and payable from Code Account North Side UDAG Program, (4-15-03-1810-79-181-79-15).

Also,

No. 3334 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with the Mellon Park Service Building renovation, General Construction Contract at a cost not to exceed \$2,044.50 payable from PR 82-24, Service Building Repairs.

Also,

No. 3335 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization to testify before the Senate Urban Recreation Committee regarding Senate Bill No. 1090 in Washington, D.C., on June 28, 1983, at a cost not to exceed \$295.00 payable from Code Account No. 1801, Misc. Services, Dept. of Parks and Recreation.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3336 Communication from Robert J. Coll, Jr., Superintendent of Police, requesting authorization of Bernard Schmiedeke to attend an "Internal Affairs Investigation Techniques Seminar" in Wilmington, Delaware, July 17 - 19, 1983, at a cost not to exceed \$525.00 payable from Code Account No. 1454, Education and Travel Expenses, Dept. of Police. (Prior approval granted June 29, 1983.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3337 Resolution rescinding Council Bill No. 2963 of 1981, providing for the filing of an application by the City of Pittsburgh for the Liberty Center Urban Development Action Grant Project and authorizing the City of Pittsburgh to initiate a process and procedure to secure alternative financing for the aforementioned project, as well as the appropriate development team and additional development components.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3338 Resolution providing for a Cooperation Agreement or Agreements

with the URA of Pgh. for administration of City programs and projects, at a cost not to exceed \$250,000.00 chargeable to and payable from Code Account No. 1017, Misc. Services, B-5 Development Services, Office of the Mayor.

Also,

No. 3339 Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing & Urban Development for a grant in connection with the Manchester Homeownership Urban Development Action Grant Project; providing for the execution of a grant contract and for the filing of requisitions and other data; approving the Manchester Homeownership Urban Development Action Grant Project; providing for required assurances; providing for execution of payment vouchers on Letter of credit and for certification of authorized signatures; creating a special trust fund in connection with the project; and providing for the deposit of the funds in a bank account.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 3340 Resolution authorizing the issuance of a warrant in favor of the Four Seasons Clift Hotel in the amount of \$299.70 in payment for lodgings for an Urban Consortium Energy Task Force meeting held in San Francisco in September 1982, chargeable to and payable from the Energy Task Force Trust Fund.

Which was read and referred to the Committee on Finance.

Mr. Woods moved to suspend Rule 8 by

providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3341 Resolution providing for the issuance of a \$1,713.00 warrant in favor of Robert F. Kirby in settlement of claim for automobile damage and personal injuries sustained by a Bureau of Refuse vehicle, charging same to Code Account No. 46, Judgments.

Also,

No. 3342 Resolution providing for the issuance of a \$1,466.22 warrant in favor of E. Liberty Housing Inc. for plumbing repairs due to dirt and debris entering the water lines from Highland Park Reservoir No. 1, charging same to Code Account No. 46, Judgments.

Also,

No. 3343 Resolution providing for the issuance of a warrant to Georgine Rickey, Executrix of the estate of Mark A. Rickey, deceased, and Eugene Rickey, her husband, in the amount of \$30,000.00 in full settlement of claim for wrongful death of their son, Mark A. Rickey, payable from Code Account No. 46, Judgments.

Also,

No. 3344 Resolution further amending Section 2(a) of Res. 955 appr. Sept. 24, 1982, as amended by Res. No. 327 appr. April 29, 1983, entitled, "Resolution amending Section 2(a) of Res. No. 955 appr. Sept. 24, 1982,

entitled, 'Resolution authorizing the granting to the William Penn Association an option to purchase for six months, upon payment of a non-refundable option fee of \$10,000.00, certain property in the 12th Ward, City of Pittsburgh, at or near Delafield Avenue and designated as Parcels numbered 1 and 2, for the sum of \$180,000.00 and providing for the conveyance of the same', by increasing the period of option from March 24, 1983 to July 22, 1983 upon payment of the sum of \$4,000.00 to the City of Pittsburgh by William Penn Association," by further amending the time period in which the option may be extended to October 22, 1983.

Also,

No. 3345 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting authorization for himself to attend a series of technical workshops in New York City on July 14, and 15, 1983, at a cost not to exceed \$500.00 payable from Code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 3346 Communication from Dan Pellegrini, City Solicitor, requesting authorization for himself to attend the 48th Annual Conference of the National Institute of Municipal Law Officers in Milwaukee, Wisconsin, on August 17-20, 1983, at a cost not to exceed \$1,000.00 payable from Code Account No. 1075, Misc. Services, Dept. of Law.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

Bill No. 3347 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Council Bill No. 2643 entitled, "Providing for the notification of plant closings, reductions or relocations".

Which was read, received and filed.

(MAYOR'S VETO LETTER)

July 5, 1983

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

I am returning to you, as vetoed, Council Bill No. 2643, as amended. This Bill purports to create the Bureau of Business Security and prohibits the closing, relocation or reduction in the number of employees by employers without prior notification.

This is a time of great pain and suffering for our citizens who are unemployed because of the severity of the recession and the structural dislocations taking place in our economy. All of us have an obligation to seek legal and workable solutions to this problem. Some people, including irresponsible populist politicians who will do or say anything to please a crowd, attempt to profit from the pain and suffering of others by advancing measures which, on the surface, appear to be desirable but in fact make more difficult our primary task of attracting new industry and increasing employment in this area. Council Bill No. 2643 is such a harmful and illegal measure.

The City Solicitor has informed you that the Home Rule and Optional

Plans Law, Act of April 13, 1972, No. 62, 53 P.S. 1-302, expressly forbids the City to enact any legislation that places any responsibilities or requirements on businesses, occupations or employers unless specifically authorized by the General Assembly. (A copy of the Solicitor's Opinion is attached.) The statute that the Solicitor quoted to you is clear and unequivocal and is subject to as much interpretation as a stop sign at an intersection. In view of this express language of the Home Rule and Optional Plans Law, Council's persistence in enacting Council Bill No. 2643 confounds me.

Council, in enacting this legislation, is being dishonest to those who believe it is enforceable. I believe the general public would prefer to be told the truth no matter how unpleasant it may be at times. And the plain truth is state law prohibits the City to enact legislation of this nature. By not resisting the political pressures applied by confrontationists with their own private agenda, Council has passed a patently illegal Bill and lowered its own status thus bringing upon itself and the City discredit and disrespect. Simply stated, lawmakers should not be lawbreakers.

Not only is Bill 2643 illegal, it does not even serve the legitimate needs of our citizens. Above all, what our citizens need is not illusory gestures but jobs. Bill 2643 would place the City at a competitive disadvantage in seeking firms to locate and expand here. Business owners who have written to me and to you concerning this Bill have indicated they will not locate nor expand their establishments in the City if this legislation is finally enacted. Experience in states that have enacted this legislation shows that they are at a competitive disadvantage in seeking firms to locate or expand. Even if legal,

this Bill would have a detrimental effect on the employment opportunities for all of our citizens.

It is easy to engage in inflammatory rhetoric in support of legislation of this type, especially when faced with this issue's inherent emotional pull as well as the intimidating tactics by the Bill's supporters. We, however, must take a dispassionate and objective view as to the effects that this will have on our citizens. The evidence shows that, if enacted solely on a local level, City residents will, in the long run, lose jobs.

For the reasons set forth in this letter, I am returning Council Bill No. 2643 as vetoed.

Very truly yours,

RICHARD S. CALIGUIRI

(END OF MAYOR'S VETO LETTER)

Mr. Givens:

I think many of us have lost the context of this particular plant closing notification. There's been very little needy attention drawn to the fact that what is happening around the world, what is happening in our own northeastern quadrant that is being plagued with plant closings and within our own state of Pennsylvania and our own sister city, Philadelphia.

The Mayor bases his vote primarily on the claim that state law prevents us from enacting plant closing legislation. This, ladies and gentlemen and my fellow Councilpeople, is not true. I passed out almost a nine page documentation describing exactly what our responsible abilities are to the people of the City of Pittsburgh. That's who we are elected by, not the State of Pennsylvania, not the Federal

Government, but the people of the City of Pittsburgh.

Our sister city of Philadelphia which operates under the same state Constitution, the same state laws, the same state regulations, has had similar plant closing legislation for one year without any court action whatsoever. Zero.

Who is kidding who? Our City Home Rule Charter gives us the duty to look after the City's economic welfare and I'll underline that very, very strongly, the City's economic welfare. This is precisely what we are doing here today.

I call upon my fellow Councilmembers to listen very intently to what I am saying because these people behind us here are not here because they want to be here. They're here because they see what is happening on the streets of the City of Pittsburgh. We, in this room, in this Council, have the authority as a legislative body to enact plant closing legislation for the welfare of our citizens. But more than that, we have the example of Philadelphia which also faced a Mayor's veto, the same as we have had read before us today. That veto, however, my fellow Councilmen, was overridden by the Council of Philadelphia and is now in effect. As I said, it is yet to be tested in the Courts of the State of Pennsylvania. What are we afraid of? We've got all these letters in from the business community saying what all the problems are.

Whatever happens here today, I will assure you that I will continue to introduce this plant closing legislation every year as long as I'm on this Council.

Ladies and gentlemen, I appreciate all the clapping, etc. and I know how strongly you feel on this

particular issue and the Chair has not addressed the gathering out here, but I'd like to make some comments and ask that we restrain ourselves. I know it's very difficult to do but the President Pro tem has the authority to clear this Chamber if he feels that anything is disorderly among either ourselves or the crowd. So, I'd ask you please, if you could just hold your applause for a couple of minutes.

Michelle Madoff:

Excuse me. We don't have a motion to override. Can you do that and then have discussion? You never made your motion to override the veto. Would you like to do that?

Mr. Woods moved to override the Mayor's veto.

Michelle Madoff seconded the motion.

Mr. Givens:

It is not my style of politics to speak out and be personalized. However, when I received the letter from the Mayor dated July 5, 1983, wherein he indicates some people include irresponsible populist politicians who will do or say anything to please a crowd to attempt to profit from the pain and the suffering of others by advancing measures which on the surface appear to be desirable but, in fact, make more difficult our primary task of attracting new industry and increasing employment in this area. What I'd like to say to that is one thing. That's the fact that we have all kind of organizations here built in to bring new industry into the City of Pittsburgh. We have the industrial parks, the industrial this, the industrial that, money set aside and everything else. I don't know of one governmental organization that has been set up to those plants that are closing, laying off

people, and having massive lay-offs, coming into government and saying, "We need help, can you help us?" There's no instrument that we have before us that they can do that other than going to an individual. And it's unusual that the Mayor would make such a statement. In fact, just a month ago at the Mayor's Conference in Denver, he proposed the same type of legislation, but at the national and at the state level. I would have to say that the Mayor has to be talking out of both sides of his mouth at the same time.

One other point that has been made there is that the City is at a competitive disadvantage in seeking firms to locate and expand here. It's very interesting to note when, in fact, the very banks, the lending institutions of this City are, in fact, giving their money, as much as they want, to the foreign countries, the same foreign countries that have and have had plant closing legislation enacted for many, many years. That seems to me to be contradictory to what that particular statement is all about.

Then we get down to the real meat of what this issue is all about and why these people are in the audience today and why they are mad and why I am somewhat disturbed myself. That is when a man or a woman is laid off, when the plant is closed, I feel then that the Mayor is lacking some callous when he says that what we have before us today is not legal. The severe economic impact on a family, and only those who experience it, it's just like a crime. Unless you have been perpetrated against, you don't know what it's like to be hit on the head. You don't know what it's like to be mugged. Well, I'll tell you, ladies and gentlemen, you go to the hospitals, you go to the institutions in this City and talk to the nurses and talk to the doctors and look at the suicide

rate and how it's increasing. Look how alcoholism is taking over more and more and how families, because of the economic chaos in our society — Sixteen percent unemployment? Bull. It's twenty-five percent unemployment.

I'd like to make one more note then I'll be finished, Mr. President, and that is of a letter that was sent in by our Service Employees International Union, Local 585, from Jimmy Vallas. I think it brings out a good point. Jimmy gave all of the Councilpeople a recent editorial from the AFL-CIO News Official Publication, National AFL-CIO. Some people have been telling us here that labor does not support this bill. I cannot believe that. Back in our room here representing the Allegheny Labor Council and one who sits on there and a very dear friend of mine is Dave Gavin. Dave, raise your hand, please. Also, Robert Schultz. That's the Allegheny Labor Council here representing hundreds of thousands of employees throughout Allegheny County. They are, in fact, supporting this particular bill. I've talked to Bernie Burns of our Firefighters Local who is also a member of this council. He said publicly that I could use his name. I've talked to Lt. Pat MacNamara who is on duty, he would like to be here. Lt. MacNamara of the Fraternal Order of Police, likewise, said that he supports this bill.

We in this Council know what is happening. It is interesting to note that the people who have been most talkative in this particular area in spreading around the word that labor is really not for this — is labor talking out of both sides of their mouth? I don't think so. The individual who came down here and lobbied this Council very aggressively was that of the President of the Chamber of Commerce and we know where he is and where he comes from. He had come from the state of

Massachusetts with this editorial to be a member in our Greater Pittsburgh Chamber of Commerce. This little episode happened in Chester, Massachusetts. There was a little grind-wheeling company that affected this particular town. The unions were only being paid \$6.50 an hour at that particular time and they said, "We're having difficulties." The union decided to even lower their wages. They said if anything happens, management assured them that they would give them sufficient notice for all the people to take care of their private and personal lives. They got three weeks notice. A major, major plant. Their sister state, the state of Maine, has adopted the same type of legislation that we have before us today. It has gone to the Supreme Court of the State of Maine and has been upheld. There are several states across this union that are putting in similar legislation. Our own state, signed by Senators Bodack and Romanelli and Scanlon and the rest. They all have signed their name to similar legislation at the grass roots level.

The local government in this particular case was shocked as we have been shocked in this City when we heard about Nabisco wanting to leave. A handful of people and SNAC organization formed overnight. A company with 600 employees was going out and a big hole was going to be made in an urban development area that this City has been trying to do something with for years. All on this Council joined me and others of the SNAC organization to turn that around. They had six particular shifts working at that particular time. Ladies and gentlemen of this Council, they now have thirteen shifts working. They have called back almost everyone from that plant, and the plant, a multi-national corporation reversed its course because I think they felt for the first time, and they had people from their New Jersey

syndicate down here looking at that meeting that happened out at the Reizenstein School, they knew what was happening, they felt the tremors of the people, the anger, the boycotting and other measures that were going to be taken. When I looked on that table and saw all of the products that they were making, I had ninety percent of those products in my home. I had vowed at that particular time that if that plant had closed that I would not buy one item from that particular company.

We are bringing British steel into this country and trying to cut out the legs of the middle and lower income stratus of our population. And I say that very openly. I've traveled the world, ladies and gentlemen, and I have seen that this country has the largest middle class. When they talk about the corporations making this country go, I say bull. It's our middle class, the working class, that has gotten a little bit of that money and rejuvenated and returned it into the corporate stock. If they continue to cut the legs of that middle and lower income people in this country, then we will not have the great country that this United States has built for many, many years. We are reversing our trend. We will be starting from nothing, from zero. I contrast that with a plant closing in Europe, their style. There was the chief of the Metal Workers Federation, and I'll finish on this last note as I saw you giving me the time up there, Mr. President. I'm glad you gave me that opportunity. But he quoted one little thing, that Americans, as well as the people here in the City of Pittsburgh and you Councilpeople sitting right here, are accustomed to leadership role in the world. And some find it a cultural shock to find that the United States is at the bottom of the ladder in terms of legislative protection for its workers. We are at the bottom of the heap for protection of our workers. And

yet we find our bank institutions lending money to these other countries. That has to trigger something within you own mind.

We don't always take kindly to outside advice but it would be very difficult and even the most hardened exponent of those that want foreign people to come into this country to quarrel with the concluding paragraph of Mr. Robin's testimony. Americans, as well as Pittsburghers, would go far towards a more secure and a just and fair society, if it were to initiate its own plant closings and lay off warning system.

Thank you, Mr. President.

Michelle Madoff:

Mr. President, I find it unfortunate that before we move to override the Mayor's veto that the bill itself was not read and I would hope it would be put into the record in its entirety.

The Chair (Pro tem):

Do you mean the bill or the veto?

Michelle Madoff:

The Mayor's letter — His reason for vetoing the bill.

The Chair (Pro tem):

It's automatically part of the record.

Michelle Madoff:

Fine. But I think it should have been read aloud because I think it is stooping to gutter politics. This is the Mayor who spent more time, energy and money trying to defeat me than he did

trying to get his own people elected. In his comment, "It is easy to engage in inflammatory rhetoric in support of legislation of this type, especially when faced with issue's inherent emotional pull as well as the intimidating tactics of the Bill's supporters", I find that to be offensive because I think the Mayor has never had enough proverbials, and we all know what I mean but I'll say guts to be ladylike, to be able to stand on his own two feet and be here today and be able to rebut some of the comments that are being made by the Councilmembers who represent the voting public who vote for us. And that's who we represent. There may be a dichotomy of opinion on this at this table but we respect each other. And it would be very nice if in the past and certainly in the future our Mayor had the guts to be here and not send us a piece of paper and say this is why I support it because there are erroneous statements in this bill. Mr. Givens, while I may not always agree with him, has stated, he's researched it and I have researched the facts, that in the places where these bills have been passed, it has not hurt jobs. As a matter of fact, they've increased triple and quadrupled in some places. The statement that this bill is illegal is also not true. But, you know, it's just a statement, a vanishing American. He's not here so we can't rebut, we can't have dialogue, we can't have discussion.

He talks about, "This is a time of great pain and suffering for our citizens who are unemployed because of the severity of the recession and the structural dislocations taking place in our economy. All of us have an obligation to seek legal and workable solutions to this problem." That's the Mayor's statement. He then goes on to say, "Council has passed a patently illegal Bill and lowered its own status thus bringing upon itself and the City discredit and disrespect. Experience in

states that have enacted this legislation shows that they are at a competitive disadvantage in seeking firms to locate or expand. Even if legal, this Bill would have a detrimental effect on the employment opportunities for all of our citizens."

Well, let's tell the truth, folks. You know what the truth is? We have the best working force in America. We really are the Gateway to the West, we have the rivers for transportation. We have a long history of stable community but what we have are regressive taxation. We have a mercantile and a business privilege tax. We have the opportunity to use a ten year tax abatement; the Mayor hasn't applied those. That would have brought jobs to this community and we wouldn't be sitting here because nobody wants this bill but you want it because we haven't any other choice. People are being put out by the thousands. My friends are being put out of work and given four weeks notice. If they'll resign, they'll give them a letter of reference. Everybody in this room, reporters, the acting President of this Chamber, do you know anybody that hasn't been put out of work or given notice or know somebody that knows somebody? We are not in a recession in this city, we're in a depression. And if anything else, if I may borrow a phrase from you, Mr. President, we're telegraphing a message that this Administration better get on the stick and they better start making this a community that has tax incentives that will bring jobs to this community. And if he doesn't do it, you want to call it political rhetoric, call it so because I'm going to do it.

I'm going to wind up by saying that last year at budget time, Mr. Robinson introduced two bills that the Mercantile Tax ought to be done away with since we had an \$18 million surplus;

that we ought to lower Amusement Tax because movies in the City just aren't doing any business. But let's stay with the Mercantile Tax. The Mayor would not have approved it, we could not get the votes out of this Council. I had five votes when we went to the three year tax abatement, I had five votes for five year tax abatement. The Mayor said that he would veto it. That does not create a tax climate where people want to come into our community. This little bill that says that we're going to be humane and decent and have some moral regard for people and give them a chance to get their life in order by giving them a little time when they're being laid off and they have children and — We don't have to go through all the pain and hardship, we all know why this bill was introduced — That's not nearly as important as the fact that the Mayor has not done a darn thing to really make this a viable place to attract people. You cannot separate one issue from the other because the hip bone is attached to the thigh bone and I'll be very brief. If indeed we cannot get 102 votes, and I don't think we can when legislators have to run every two years to get an enabling act and get a commuters tax, no matter what's going on in Harrisburg and I'd like to think the Mayor is successful and I will help him in every way and I know we all will on that issue. But why isn't he working with the same 83 companies who wrote in objection to this bill? Some of the people sitting here represent the corporations. Why aren't you getting together to say, "Hey, you suburbanites, you come into this City and use the facilities and we give you a job, let's have metropolitan government. Let's have a commuter tax." Instead of vetoing a bill that's going to have very little impact on jobs in this community, give some hope to the people who are being affected.

Mr. Flaherty:

Mr. President, this issue stems from a serious dilemma that faced our City prior to Christmas and that was the impending closing of the Nabisco Plant. I think everyone in this room considers ourselves to be very fortunate that that plant did not close because that would have eliminated 600 jobs in our community. Now, the Nabisco Plant was a company that is profitable but they wanted to move south to make more profit at the expense of the community. That is where the expense was going to be incurred. We had a Mayor who came forth at that meeting and said that he will not eat any more crackers if Nabisco leaves here.

Now, the issue is, are we going to deal in the weak kind of rhetoric, and that's all it is, rhetoric, talking about not eating crackers, as if that's actually going to do something, as if that's going to put bread on the table of those 600 people, or are we going to learn from a near fatality that occurred and be prepared when it raises its head the next time? Apparently in this past half year, we have not learned. Just ten days ago, Rockwell International systematically told 100 people in the morning that they would no longer have a job at the end of the day. Rumors are very strong that they are going to relocate to California because they can make more profit. Well, it's one thing if a company isn't cutting it and they want to move. But it's worse when they are cutting it and they want to make obscene profits at the expense of the public. And that's what this issue boils down to. It boils down to an issue as clear as day and night, left and right, progressive, regressive, corporate, communal. That's what it's breaking down to.

Back in April, April 11, most members of Council met with the SNAC

Coalition, Save Nabisco Action Coalition, and there were six members of City Council that said that they would support a measure that is even more stringent than this measure, a measure that had a year's notification allowance in it. And now, we are seeing some waffling of some of those people. It's a question of accountability and is this Council going to do what they feel naturally is right or are they going to do what is twisted and politicized in an opinion from the City Solicitor's Office to reflect a political ideal.

I said back in April that this issue will not be fought on merits in Council Chambers. It will be fought through the arguments of the law and they, I'm talking about the opponents of this measure, will try the most sophisticated legal maneuvers possible. And that is what is happening. Two months later we have that tried and true opinion from the City Solicitor's Office saying that it is illegal. And I said back then that I have seen much good humane legislation go down the drain through legal opinions that are as good as anyone in this room. It's one attorney's opinion against another attorney's opinion and we have a legitimate opinion that says that this law is substantiated by the Philadelphia proposed law, that it is substantiated by existing case law, a fair reading of the Home Rule Charter law and legislative history. And it is certainly a measure that is important enough, then let the courts decide if it's legal or not.

It never ceases to amaze me that what we see here is the exact opposite of what happens with the State Senate and the State House in Harrisburg. If there's a question of legality, the courts decide that. Not the City Solicitor who writes heads or writes tails, depending on what the Mayor tells him. Not this City Council. It's the courts. And let this be tried and tested in the courts. There's

nothing to be lost unless you believe the argument that this is going to encourage jobs to be lost in the community. And as Councilman Givens said, the Mayor is hypocritical on that. He goes to Denver and he co-sponsors a resolution in support of this and then where the heat is, in his back yard, he runs from an ideal that should be the cornerstone of a democratic Council.

If we want to talk about heat, let's talk about heat. And if anyone on this Council doesn't have the guts to tell 100 people to go to hell, then they shouldn't be on this Council. And if anybody waffles and if anybody cries to the newspapers that they are intimidated, then they don't understand what the basis of democracy is. And that is people can come in this public hall and they can cheer and they can support what they believe in. They are doing it in the open and I commend them. They are not doing it like the powerful interests of this City are. The powerful interests that appeared in each and every one of our offices and sat down and talked about our political futures and talked about raising money. It stinks. We should be supporting the public on this issue. We are selling these people out. It's a sell-out. It's as clear as night and day, as I said earlier. It's a sell-out.

Here it is, yesterday's New York Times, editorial page, July 4th. Job news, bad news. City in, city out. Talking about Milwaukee, Allis Chalmers going to get up and leave. Nine hundred fifty jobs are going to be lost in Milwaukee. It's about time somebody did something. That's what the New York Times said, the greatest newspaper in the world. It's about time somebody starts doing something. They say you take away justice and what are kingdoms but great robberies. How can there be justice without jobs? Without stable

communities? It's about time this Council do something. The Mayor is talking but he's not doing anything. There's no alternative. No one is offering any alternative. Just like Rockwell took 100 ten days ago, they'll take 100 tomorrow and they'll take 500 at the end of the year. And we're going to continue to sit here and say we won't eat crackers or we won't buy imported steel.

The bottom line in each and every one of your votes here is going to be weighed by many variables and one of those variables is intimidation. One of those variables is going to be a soft-sell. There's going to be a lot of variables that weigh the votes here today. So, what is unfortunate is that I don't think the majority of those variables have any impact on the central issue and the central issue is that this is good humane legislation which meets the most essential needs of the '80's. It's a bill of the '80's. You're on the threshold of creating a move in this country of the '80's. And it addresses the concerns of the '80's, the most humane central need of today, and that's a job. That's what it comes down to, a job. You're going to address the needs of a job today. Now, if you want to believe what the Mayor now says he believes but he didn't in Denver, that this bill is going to drive jobs out of the City, then I think you are believing half because there is no substantiation of that issue whatsoever. There's no substantiation. The primary concerns for a corporation that comes in are labor costs, labor unionization, proximity to markets, proximity to supplies, proximity to other company facilities. Primary concerns for the quality of life. As Jim Cunningham said in a letter he sent us all a couple of weeks ago, plant closing notification ranks below winning football. It's irrelevant.

What this bill is is simply an

excuse for the Chamber of Commerce to try to prove their need to the corporate community. I never heard from hardly any corporate people personally. The Chamber of Commerce sends out a cover letter to all corporations stirring them up and they send it back, in from the Chamber, out from the corporations. As Councilman Givens said a half a year ago, garbage in, garbage out. That's all that this measure comes down to.

I beg everybody on this Council, especially the six that put their votes up last week, not to desert the flagship of labor nor humanity.

Mr. O'Malley:

I commend my colleagues, Councilman Givens, Michelle Madoff, and Tom Flaherty. I agree with 90 percent of what they say but I also agree that the essence of democracy is dialogue, discussion and sometimes difference of opinion.

I agree that we need plant closing legislation, that we need a notification bill that would give workers the opportunity to adjust, that would give communities the opportunity and time and City government to have an input.

I disagree with my colleagues, Councilman Givens and Councilman Flaherty, when they say that all this bill does is give people time to adjust to a plant closing and that this bill is the same as the Philadelphia bill. I agree with the Philadelphia bill but this bill that was introduced by Councilman Givens goes beyond reason.

I'm going to read a couple sections in this bill that a lot of people are not aware of because the press, for some reason, did not find the space to write the legislation in its entirety. Section 11 (d) of this legislation says that this

legislation will create a commission made up of 16 members appointed by this City Council. Of those 16 members, four of those members will be from the business section, four of those members will be from the labor section, four of those members will be from community organizations and four of those members will be from church or religious associations. That is the 16 member bureau that is going to be established by this City Council. —

Mr. Givens:

Not bureau, it's commission.

Mr. O'Malley:

Bureau.

Mr. Givens:

The Bureau is a bureau. That is a commission, Jim. A non-paying commission.

Mr. O'Malley:

I suggest you check the legislation, Mr. Givens.

Let me go on. That is Section 11, that we set up the Commission.

Now we go on to Section 7, the business of the Commission. This is what this Commission does. These 11 people who are all volunteers, non-paid, who have the best intention of the community and the City of Pittsburgh. After the investigation is concluded, the Bureau shall prepare a report containing the findings with respect to the matters described in Section 6 for a presentation to the Commission and make recommendations regarding actions required to be taken in order to prevent or minimize the harmful effects. Now, this 16 member Commission that this

Council, in their infinite wisdom, is going to appoint is going to make recommendations regarding such vital facts as reorganization of management and production. — We created a Bureau on cable to advise this Council and the Bureau came back and advised us that they did not have the expertise and they advised us that we should go out and hire a consultant. — This Bureau also will have the power to advise companies to go out and find new markets for goods and for services. This in itself is a specialized field. This Bureau and certainly this City Council does not have the expertise to involve itself in companies decisions. This Council has no right to tell companies how to reorganize their management.

After we make these recommendations, no matter how ridiculous these recommendations are, if they're not followed, then we go to Section E. Section E says that any person who intentionally violates or directs or consents to the violation of the provision, any person or company who does not go along with this Bureau and this Council's recommendations, shall be guilty of a misdemeanor of the third degree which means they can be fined and they can be put in jail for up to thirty days.

This bill goes far beyond plant closing legislation notification. It goes far beyond. This legislation gives this Council and this Bureau the power to reorganize management —

The Chair (Pro tem):

Hold on a minute, Mr. O'Malley. I would like all of you in the audience to see what's up behind me on my left. It's the American flag. It still let's everybody give his view even if you don't like to hear it.

Mr. O'Malley:

Thank you, Mr. Stone. This bill gives the power to this Council and to this Bureau to reorganize management as it states in the legislation and to make recommendations and if the recommendations are not followed by these companies it gives them the power to put them in jail and to fine them. As I said, I support plant closing legislation but this bill goes far beyond reason and borders on the ridiculous.

I feel that in the City of Pittsburgh we have limited space to attract new industry. We are in competition with other northeastern cities such as Cleveland, Philadelphia and Chicago. And I believe, and I have many friends in this room and I have many friends in labor who support this bill, this is just an honest disagreement of philosophies. This bill, I believe, would deter any new industry looking into relocating in the City of Pittsburgh. I think it puts the City in an unfair disadvantage in attracting new industry and I also believe that it's going to cost the same people who support this bill, it's going to cost their sons and daughters and future generations of Pittsburgh, the opportunity for employment in years to come. And I believe this bill will do more harm to the City of Pittsburgh than good.

Mr. Givens:

I'd like to make a quick comment, if I might, Mr. President. One, Jim, this ordinance creates two bodies. You had them somewhat confused in the beginning. One, it creates a Bureau of Business Security. As I said before, there is no such entity within our government or anyplace that I know of. And that is a paid City department somewhat like our Economic Development Department that is now in

the Urban Redevelopment Authority.

Secondly, it creates a Commission on jobs and commerce. Sixteen, as you mentioned, as a volunteer body to advise this Council.

I say to you, Mr. Jim O'Malley, that when you stood up before the citizens' meeting over in the Gold Room that the legislation before you was a lot more stringent than what we have right now. Not once, not once, did I hear you make an amendment during all the debates that we have had on this particular issue and that was before the election, not after the election.

Mr. O'Malley:

Let me respond to my colleague. In the Gold Room, I was given a copy of the Philadelphia ordinance and in the Gold Room I responded that I support plant closing legislation and I do support plant closing legislation. I do not support this bill. Any bill that gives this Council and gives a bureau appointed by this Council the power to reorganize management and to put people in jail that do not go along with this Council, this Council's recommendation is ridiculous.

The Chair (Pro tem):

Hold on now. I'm going to remind the audience again. Up behind me is the flag. As long as that flag is there it's for you and me and all of it's rights and duties. The man has an opinion; let him explain it.

Mr. O'Malley:

Let me say one more thing about my colleague, Mr. Givens. This bill has been in preparation for six months. Never one time did Mr. Givens offer to come into my office and sit down and go

over this bill piece by piece.

Mr. Givens:

That's a two-way street, Jim.

The Chair (Pro tem):

Call the question. Mr. Givens started to speak first but didn't make the motion. Mr. Woods made the motion and I think Michelle seconded it and that was to override the Mayor's veto. Aye is to override the Mayor's veto and nay is to sustain the veto.

Mr. Flaherty:

I vote aye. The core for the veto was a question as far as the legality of it. These people here, and most unemployed people, have a hard enough time just taking care of the most elementary needs of life, food, shelter, school, what have you. They are not unified and they do not have a voice speaking for them and they, unfortunately, can't hire an attorney. If there's a question as far as the legality of this bill, absolutely no harm, in fact a lot of good, will be done that it is taken to the courts. Let one of the corporations take it to the court. Not the elected representatives of the people, if we pass this, nor the Mayor's Office. Corporations can take care of themselves. They have a stable of attorneys that would make our City Solicitor's Office look like kindergarten. They have the most sophisticated, shrewd legal minds in the country. They can take care of themselves. Let's not take care of corporations and let's not let corporations take care of us.

Mr. Givens:

I vote aye on this bill and I'd like to give my reasons for that. I think it's

the basic underlying reasons. The Mayor bases his veto primarily on a claim that State law prevents us from enacting plant closing legislation. As I have indicated previously, that is not true. If we can have a sister city in Philadelphia have similar legislation — that's true, they went 90 days and they do not set up a bureau to dig into it a little bit deeper than what we are trying to do here. We're trying to create an environment to keep workers working. That is the bottom line of this whole ordinance. It's to keep people working. Our City Home Rule Charter gives us the duty to look after the City's economic welfare. We are in fact doing that for those of us who pass on this particular legislation. And I plead to Jim O'Malley and to Sophie that the hardships are created by the people who are cut off dramatically from their employment, in some cases, 20, 25, 30 years, so abruptly, there is no pre-warning, that the devastating effect on their families is so great that some cannot even recuperate to be productive citizens, and as a result, where is the greatest burden going to lie? Who is going to take care of these people in our institutions? I beg you to reconsider your particular vote. Thank you.

Michelle Madoff:

I'd like to address myself, if I may, to Councilman O'Malley who, I think, has been very courageous in speaking out for, perhaps, what I think he really believes. But I would like to try one thing to see if I can change his mind.

Councilman O'Malley, 80 plus companies wrote to us stating that this was going to be harmful on business. Your argument is that we should not, as government, be interjecting ourselves in regulating businesses. If that logic followed, ladies and gentlemen, fourteen year olds would still be in sweatshops. If we didn't regulate some morality for

business, things would still go on.

I urge you to vote for the override because we can always discuss this issue, if it is a legal issue, in the courts. Let the courts make that decision, not Councilman O'Malley.

Mrs. Masloff:

Mr. President, as you know, I am a woman of few words. Never in my career have I agonized over a piece of legislation as I have today and the past weekend. While I have very serious reservations about this particular bill, I feel compelled to support the working man and that I am not insensitive to their plight and so I vote aye.

Mr. O'Malley:

I want to commend my colleague, Sophie Masloff. That was a very courageous stand. I've been talking to her for a week on this bill and I know she's been torn between both sides. I just want to commend her for the stand that she took right now.

As a response to Michelle, you know, I'm not voting against this legislation to in any way help the corporations. I'm voting against this legislation because I think it's going to deter the corporations that are already here that may want to expand and the corporations that may want to move into the City. I think what this piece of legislation would do is tip the balance of the scale in the directions of other cities and I think we need all the help in the City of Pittsburgh that we can muster to attract corporations here.

To the friends that I have in this room, if this bill passes, I'll give it all the support that my office can, but right now I have to vote no to sustain the veto.

Mr. Robinson:

Mr. Stone and members of Council, I would much prefer to see some legislation passed at the national level, but that has not occurred. I would much prefer to see some legislation passed at the state level, but that has not occurred. For better or for worse, the decision is ours to take a step here at the local level in the City of Pittsburgh. It certainly will have national and state implications but I think it is a step that we must take. Unfortunately, since this bill was introduced, even given the many changes and much discussion, no positive or substantive effort has been launched in the City of Pittsburgh to address this concern other than the legislation itself.

I am somewhat dismayed, as Chairman of Planning, Housing and Development, that our Council and our Mayor have been unable to sit and work together on what, perhaps, is one of the most important pieces of legislation to face us and a piece of legislation that certainly speaks to the vitality and growth of our community. If we are not concerned about the workers and facilities presently in our community, I question what kind of concern we will show for the new workers and the new facilities. I believe that our first obligation is to the people who are here in our City, to the businesses that are here in our City. But that is an obligation that is commensurate with our obligation to the new plant, the new businesses that we have been trying very heartily and very positively to attract.

In the five and a half years that I have been on this Council, I have watched our City government do everything that is humanly and legally possible to make this someplace special, to make Pittsburgh a Renaissance City. I think the least that we can do, and perhaps the most that we can do, is

seriously address the concerns of those people who are so earnestly asking us as their representatives to address their issues. If there were some other alternative presented, perhaps my decision today would be different. If indeed we had initiated some process to help the workers and help these companies that want to stay, perhaps my decision would be different. But I don't believe anyone in this room can identify one single process or one single person that has moved in a direction to address this issue other than the introduction of this legislation.

In the face of that and also based on my firm belief that it is the obligation of government to work with business, to work with labor, I'm going to have to vote to override the Mayor's veto.

Mr. Woods:

Since I'm the sixth vote, in April I said I would vote for this legislation. Last Monday I voted for it; today I'm going to vote yes to override the Mayor's veto, but I would like to add something. There's many people in this audience that are not from the City of Pittsburgh, they're from Mon Valley, Wilkinsburg, Penn Hills and surrounding areas, in this county. This Council has just voted to override the Mayor's veto to make this law in this City. I would like all of you people in this room and all of your groups, when you leave here, to go over to that Court House and you get those County Commissioners to pass this county-wide. Not just the County Commissioners. You go down to Homestead, the Mon Valley, and you get those Councils to do the same thing that this Council did here today. We are not like Philadelphia; they are county-wide. We are just here in the City. Don't leave us die here. You go out and support the people here that supported you.

The Chair (Pro tem):

It is obvious by the vote that my vote might not count. I would hope that my words, however, do mean something. I stood before Council as the Chairman on June 22, 1983, and I'd like to read some of those remarks, and I'd like to place it in the proper perspective that I gave it that day before it came to a vote, and at that point it was questionable whether it would pass or fail. I spoke before the vote came about, and I stated something to the effect that I'm about now to say. If the Chair might for a moment, I'd like to share my thoughts on this bill, and I'd like to do it before a vote, because it gives an opportunity, as I see it, to see this in somewhat of a proper perspective.

As all of you may recall, when there was meeting at the Gold Room, some of you spoke up. In fact, the majority of this Council spoke up in favor of it. I did not speak then. I indicated there was a public hearing forthcoming, and I'm inviting people to a public hearing, and I want to hear from both sides before I'm asked to make a decision. In light of that, I listened to a public hearing. I listened to both sides on that issue, and I'd like to say at the outset, so that there not be any misunderstanding, that the intent of this bill is in the right direction in my personal opinion.

As far as the legislation, however, you must look at its pluses and at its minuses in order for it to have the good that was intended. I don't think that anyone can overlook the point that if this legislation is passed only within the City of Pittsburgh, there is no good reason why a plant will be coming into this City and not staying outside of the City of Pittsburgh. In that connection, this type of legislation is probably better if it were done on the state level, then all of

us within the confines and jurisdiction of the Commonwealth of Pennsylvania would be similarly situated, except, however, those who are neighbors on the state borders.

Relative to the organizational set-up that is proposed in this legislation, it is my personal belief that it is a little too much involved and puts down too much specifics, and before long it will really bog down the intent that it had in mind.

Relative to the kind of committee idea, I think that there is in place already an ability to do something for it. We have the Labor Management Council which has been meeting, perhaps not with as much substance as we might want, but yet there is an occasion for it, this is an occasion for it, and that is now; and if we add to that merely government's involvement in a loose-knit kind of organization arrangement, that way it gives us the elasticity and the flexibility with which to face any kind of issue and to call into being all of the possibilities of assistance that might exist at that moment of need.

I'm also mindful that in most large labor contracts, what is intended by this bill is already in place in some of those contracts, calling for 60, 90, or 120 days notice prior to the closing. I'm also mindful that there is the United States, the Commonwealth of Pennsylvania Constitution. It is my personal belief that we will have a constitutional issue with this bill. With the tightness, the more you write, the worse it gets, and by virtue of being too specific, I believe we have destroyed the ability to help in the legislation in the way we've couched it in its present language.

Mr. Givens:

Why didn't you amend it, then?

The Chair (Pro tem):

Mr. Givens, I listened to you being verbose. It's your opportunity to listen, and maybe this time it may get through.

Mr. Givens:

I apologize, Mr. President, for my remark.

The Chair (Pro tem):

I personally believe that a one- or two-page document may have said less and done more. The other one is that when two parties are going to negotiate, and those of us who do that kind of negotiating every day know that the worst thing that can possibly happen is when your opponent does not want to negotiate.

In effect, what you need is a condition precedent to any kind of climate of negotiation, or rehabilitation, or rebuilding, or reinstituting, or even to continue that which you already have. I think we've gotten a field of that general intent by over zealousness in this instance.

I was hoping that we might at that time as a condition precedent to the bill, that we would try some kind of change, and that instead of having a mandatory kind of operation that we would have in the initial stage and try to get the parties and all those who wrote to us, including the Chamber of Commerce, government, and labor together with the Labor Management Council to have them make the strong commitment, even if it be a strong voluntary commitment as opposed to what this bill does, say it as a must and then outline conditions of must. It is for that reason that I think that this bill, if tried in a court of law, will be unconstitutional.

Relative to this bill, and as far as I personally am concerned, I'm kind of torn with where I will go with this thing, because I think something is necessary to protect the labor worker today. It is not fair after most of them have gone, as it is right now, some 20 to 30 years. They did everything by the book. They worked hard so they could get their money for a house. They worked hard so they could buy an automobile. They worked hard so they could put their kids in school. They've been law-and-order people all of their lives. They've worked, they've contributed, they've paid, they've done everything right; and it seems to me that summarily they should not be wiped out as has been happening recently.

It, therefore, obviously needs something, and as I visualize this bill in its present form, even with the amendments, I see the inability to do the good that could have been done. I had suggested it go back to committee and to try to come out with something that more meaningfully covered our particular needs, and I offered that before we got into a vote, which was before we had the possibility of an inability to help, and on that occasion I abstained. I was asked by one of our newspaper reporters what I meant by the vote abstain. In short, I couldn't vote against the bill and I couldn't vote for the bill, but I wanted everybody to understand, that as far as I personally was concerned, there was merit, but it needs some additional work.

Today we were faced with a veto by the Mayor, and the Mayor uses rather strong language, perhaps stronger than most of us have heard the Mayor use in the past, but he points out a very strong point. When we intend good, we should do good and have the ability to do good. My personal belief is that with the legislation and not the intent of the legislation we have created a cure which

is worse than the disease; and in order to keep some balance, and I hope my words will hold, I'm abstaining my vote at this point, and I am hopeful that there will be some changes in that legislation so that we can do something which will give everybody gold, not fool's gold.

Michelle Madoff:

Mr. Chairman, may I ask you a question? You mentioned a commission, and I don't know what that commission—was that already in —

The Chair (Pro tem):

I have to vote, Michelle. Hold on.

Michelle Madoff:

I'm sorry.

The Chair (Pro tem):

There's no comment during votes.

Michelle Madoff:

You mentioned the board. I want to know what board it was.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff

Mrs. Masloff
Mr. Robinson
Mr. Woods

AYES 6

NOES 1

(MR. O'MALLEY VOTING NO)

(MR. STONE ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3348

Report of the Committee on Finance for June 29, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3225

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Casey Company, in the amount of Twelve Thousand Six Hundred (\$12,600.00) Dollars in payment for Extra Work furnished for the benefit of the City in connection with the Reconstruction of the Radcliffe Street Bridge; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3232

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Eastern Mobile Power Co., Inc. in the amount of \$699.45 in payment for services in connection with the Summer Recreation Program, for the benefit of the City without previous authority of

law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3233

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of David P. Bush in the amount of \$375.00 in payment for services in connection with the Summer Recreation Program, for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3234

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the San Antonio Zoo in the amount of \$370.00 for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3235

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Supreme Exotic Birds Inc. in the amount of \$358.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3236

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Pittsburgh Garden Center in the amount of \$4,983.95 in payment for the emergency repair of a gas line serving the Pittsburgh Garden Center and Mellon Park Service Building, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3349

Report of the Committee on Public Works for June 29, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3226

A Resolution entitled, "Resolution amending Resolution No. 851, approved August 12, 1982, effective August 20, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the Design of Monroe Street Reconstruction; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the project allocation by One Thousand Seven Hundred Fifty (\$1,750.00) Dollars."

Which was read.

Also,

Bill No. 3227

A Resolution entitled, "Resolution further amending Resolution No. 1261, approved December 3, 1981, effective December 11, 1981, as amended, entitled, 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with a Consultant or Consultants for Engineering Services in connection with Street Lighting Design; and providing for the payment of the cost thereof,' by increasing the project allocation by Thirty Five Thousand Two Hundred (\$35,200.00) Dollars."

Which was read.

Also,

Bill No. 3228

A Resolution entitled, "Resolution providing for a Contract or Contracts for

the Reconstruction of the Bloomfield Bridge, Phase IV, including the intersections of Bigelow Boulevard and Liberty Avenue, work on private property and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3229

A Resolution entitled, "Resolution granting unto St. Francis Hospital, its Successors or Assigns, the right and privilege to construct, maintain and use, at its own cost and expense, a Pedestrian Bridge over and across Forty-Fourth Street from the Medical Office Building and the Parking Garage in the 9th Ward, City of Pittsburgh." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3350

Report of the Committee on Planning, Housing and Development for June 29, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3241

A Resolution entitled, "Resolution amending Resolution No. 443 of 1980 as amended by Resolution 687 of 1980, 590 of 1981, 29 of 1983 and 249 of 1983; providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the Property Management and Maintenance Program; and providing for the payment of the cost thereof, by increasing the cost thereof."

Which was read.

Also,

Bill No. 3242

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1334 W. North Avenue, Block and Lot 7-B-351, 1334 Juniata Street, Block and Lot 22-K-0909, 1413 Faulsey Way, Block and Lot 7-B-228

in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3243

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1247 Palo Alto Street, Block and Lot 23-K-128 and 1220 Monterey Street, Block and Lot 23-J-267 in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3244

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structure at 527 N. Taylor Avenue, Block and Lot 23-J-254, in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3246

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's rights, title and interest, if any, in and to the publicly owned property in the 26th Ward of the City of Pittsburgh designated as Block, and Lots: 45-M-63, 45-M-65 and 46-E-148 in the Deed Registry Office of Allegheny County, under the

Neighborhood Housing Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3247

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 26th Ward of the City of Pittsburgh owned by Parcerom Investment Corporation and designated as Block and Lot 45-M-60 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3248

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 26th Ward of the City of Pittsburgh owned by Beatrice Farrow and Catherine Wood and designated as Block and Lot 45-M-66 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3249

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 26th Ward of the City of Pittsburgh owned by Maude Budd and designated as Block and Lot 45-M-64 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3250

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 26th Ward of the City of Pittsburgh owned by Jessie Herring and designated as Block and Lot 45-M-67 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3251

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 26th Ward of the City of Pittsburgh owned by Lugene Davis and Juanita Davis and designated as Block and Lot 45-M-67A in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified by the

Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3252

A Resolution entitled, "Resolution approving a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and William B. and Gladys D. Barnette for the sale of Block 14N, Lot 106 as per the Property Management and Maintenance Program."

Which was read.

Also,

Bill No. 3253

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Cecile M. and Eric W. Springer for the sale of Block 22P, Lot 308 in the Twenty-First Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3254

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the City of Pittsburgh."

Which was read.

Also,

Bill No. 3255

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manford Sales, Jr. for the sale of Block 174R, Lot 32 in the Thirteenth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3256

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Michael A. Ralston for the sale of Parcel 48 in the Fifth Ward of the City of Pittsburgh in Redevelopment Area No. 32."

Which was read.

Also,

Bill No. 3257

A Resolution entitled, "Resolution approving a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Roger L. Glover and Mary Jo Porterfield for the sale of Block 23F, Lot 411 in the Twenty-Fifth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3258

A Resolution entitled, "Resolution

approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27."

Which was read.

Also,

Bill No. 3259

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and John W. Palarino for the sale of Parcel 47D in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27."

Which was read.

Also,

Bill No. 3260

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Lorraine E. Powell for the sale of Parcel 178 in the Twenty-First Ward of the City of Pittsburgh in Redevelopment Area No. 27."

Which was read.

Also,

Bill No. 3261

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Ablebuilt Homes, Inc. for the sale of Block 15L, Lots 233, 234, 235,

and 236 and Block 14J, Lots 279, 280, and 281 in the Eighteenth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3262

A Resolution entitled, "Resolution approving an Agreement by and between Urban Redevelopment of Pittsburgh and Ablebuilt Homes, Inc. in which Urban Redevelopment Authority of Pittsburgh will provide financial assistance to the purchasers of houses to be constructed in the Eighteenth Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 3263

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and listed Redevelopers for the sale of properties (for \$1.00 per lot) as per the Property Management and Maintenance Program."

Which was read.

Also,

Bill No. 3264

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in the 10th Ward of the City of Pittsburgh designated as Block

and Lots 50-L-196, 198 and 199 in the Deed Registry Office of Allegheny County, under the Neighborhood Housing Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3265

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to convey and the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to the publicly owned properties in the 3rd, 4th, 5th, 6th, 9th, 10th, 12th, 13th, 15th, 16th, 18th, 20th, 25th and 26th Wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as the Block and Lot numbers mentioned herein."

Which was read.

Also,

Bill No. 3301

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the South Aiken Offices Urban Development Action Grant, and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3351

Report of the Committee on Supplies for June 29, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3237

A Resolution entitled, "Resolution amending Resolution No. 245, effective April 20, 1983 entitled, 'Providing for the letting of a contract or contracts, or for the use of existing contracts, for the furnishing and delivery of approximately five (5) tractors for the Department of Parks and Recreation, and for payment thereof', by increasing the amount provided to \$16,245.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3352

Report of the Committee on Parks and Recreation for June 29, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3238

A Resolution entitled, "Resolution amending Resolution No. 1355, effective December 31, 1982, entitled, 'Providing for a contract or contracts or the use of existing contracts for the renovation of the Pittsburgh Aviary; and providing for the payment of the cost thereof' by increasing the amount provided."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3353

Report of the Committee on Lands and Buildings for June 29, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3220

A Resolution entitled, "Resolution amending Resolution No. 166, approved February 28, 1983, effective March 7, 1983, entitled, 'Resolution providing for a contract or contracts or the use of existing contracts in connection with Renovations of Various Public Buildings and providing for the payment of the cost thereof', by increasing cost not to exceed \$25,000.00 to \$50,000.00."

Which was read.

Michelle Madoff:

On Bill 3220, I am going to vote no, because I am waiting for some help from the Director in making this room, so that I'm am not constantly ill with swollen glands, to adjust the vents, to make sure that the handicapped doors work; and that back elevator doesn't keep bumping into people and bruising them. I've asked them for months on end, and he thinks it's very funny. I don't think it's very funny, and I'm going to vote no until he does something.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres. Pro tem)

AYES 7 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3221

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Carnegie Library of Pittsburgh in connection with

rehabilitation of Central Branch; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3222

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all the City's right, title and interest, if any, in and to the publicly owned property in the 22nd Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 8H, Lot 261, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3223

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the installation of one (1) anchor on City property fronting on North Shore Road, 22nd Ward."

Which was read.

Also,

Bill No. 3224

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	Mr. Stone
Mrs. Masloff	(Pres. Pro tem)
Mr. O'Malley	

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty moved to excuse Mr. DePasquale for absence from the meeting.

Mr. Woods moved to approve the minutes of Monday, June 20, 1983.

Mr. Givens seconded the motion.

Which motion prevailed.

And on the motion of **Mrs. Masloff**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, July 11, 1983

No. 28

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 11, 1983

PRESENT:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

ABSENT:

MR. GIVENS
MICHELLE MADOFF

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mrs. Masloff for Mr. Givens presents

Bill No. 3375 WHEREAS, the present level of unemployment is detrimental to the health and well being of all of our citizens; and

WHEREAS, a high rate of unemployment among our citizens causes a serious decline in the economic life of both our community and surrounding municipalities; and

WHEREAS, not only individual wage earners, but many small businesses find the present rate of unemployment and high degree of economic uncertainty may cause both business failures and individual relocation problems; and

WHEREAS, the burden of high unemployment places a great strain on our municipality in terms of increased demand for social services while tax base is eroding; and

WHEREAS, we recognize that the economic health and stability of any municipality is to a large degree dependent on the purchasing power of the wage earner.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Pittsburgh City Council of the municipality of the City of Pittsburgh do hereby proclaim that Wednesday, July 27, 1983, shall be recognized as ECONOMIC SURVIVAL DAY and shall be so designated as a day to focus attention on the plight of the unemployed.

Mrs. Masloff moved to adopt the

resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Mr. Robinson presents

Bill No. 3376 WHEREAS, the elected officials of the City of Pittsburgh are charged with the responsibility of providing a safe, healthy and wholesome atmosphere for the residents and visitors of the City of Pittsburgh; and

WHEREAS, there are commonly accepted standards of public conduct and behavior which are obscene, offensive and publicly unacceptable in the City of Pittsburgh; and

WHEREAS, public performances and exhibitions often strain and test those standards of acceptable public behavior; such as, rock concerts, musical presentations and live stage shows; and

WHEREAS, the youth of our City are often entertained by and financially supportive of these performances.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh on behalf of its citizens, does request the following of promoters and performers in the City of Pittsburgh and those anticipating performing in our city in the future.

1. That all promoters include in their contractual agreement with performer a clause which holds the promoter and performer jointly liable for the incitement of violations of city laws or regulations.

2. That regulations be jointly developed with the City of Pittsburgh to prohibit youth under the age of eighteen from purchasing tickets to adult-oriented performances without the consent of their parents.

3. That performances who, by their past demonstrations of shows, have exhibited a callous disregard for community standards of behavior be discouraged from using public facilities such as the Civic Arena and Three Rivers Stadium and the David Leo Lawrence Convention Center.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley:

Question on number 1, "That all promoters include their contractual agreement with the performer, a clause which holds the promoter and performer jointly liable for the incitement of violations of city laws or regulations." Would this hold the Steelers or the Pirates responsible for any incidents after a Steeler game?

Mr. Robinson:

After a Steeler game?

Mr. O'Malley:

Or before a Steeler game?

Mr. Robinson:

No, I think that— point of clarification here. In all the contractual relationships that are signed for

performers to come into our City, there are clauses which deal with specific activities. Certainly, most promoters that I have talked to are aware of the problem that this resolution addresses and have indicated that, in many instances, it's not their responsibility.

It seems to me that if you bring an act into the City and you contract to use the facilities, contract that performer, that certainly you have an obligation to make sure that that performer is not engaged in any kind of activities which would be violations of the law, or inciting others to do so.

I think if we just look at some of the problems that we've had with live performances where performers themselves have encouraged the public to strike matches in buildings, where it's clearly in violation of City law, our Fire Department has moved in and indicated to the performer and to the promoter that this is unacceptable. Most promoters have some announcement made prior to the performance that that type of activity is unacceptable and the persons engaged in it will be held liable.

The purpose here of Section 1 is to make sure that the promoters themselves accept some liability, because they are the ones that bring the act in, and they bring them in on a voluntary basis, and they bring them in, obviously, because they feel they'll have some appeal to the general public.

Mr. O'Malley:

So what you're saying is that the promoter would held liable only during the time of the performance?

Mr. Robinson:

Yes.

Mr. O'Malley:

Not after they left the Three Rivers Stadium?

Mr. Robinson:

No, the contractual relationship is only for the individual group to perform at a specific period of time, under certain kinds of conditions, and that's why I said in the contractual arrangement itself, so that both the performer and the promoter realize that they are liable, jointly.

I think that most promoters attempt where they can to explain to performers what is acceptable and what is not acceptable in a particular community, but I think most of us would recognize that the person who commits that act is the one that we normally would consider to be liable, but I think the contractual arrangements can be written in such a way that both the promoter and the performer have some responsibility for the actions of the promoter and the actions of the performer.

Mr. O'Malley:

Can you give some example outside of that, of striking matches?

Mr. Robinson:

Well, I think that there are a number of instances in which performers have encouraged individuals to engage in acts that are certainly unacceptable in terms of public display, in terms of either language, or in terms of the manner in which they are performing. I think that certainly there are a number of examples of groups that are perhaps accepted that in their performances; and I think that adult-oriented performances are performances that certainly should

be restricted to adults, and if children are going to be there, then I think the adults that give them the money to go there ought to know that there are adult performances.

The Chair:

If I may, Mr. Robinson, I certainly abhor this kind of conduct as much as anyone else, especially what happened over last weekend, but my problem with it is, if we pass a resolution such as this, if it, in fact, becomes fact, I can see many future performers or promoters refusing to come into this City for the very reason that perhaps what incites you doesn't incite me, and so on.

If we get a bunch of kids that are excited for some reason or other and carry on, I don't see how you very well hold the promoter or hold the entertainer, and I don't see how they're going to come into this town and sign that agreement. What we're going to do here is discourage all future shows.

Mr. Robinson:

Well, if I might, Mr. President, I think that, first of all, the spirit of the resolution is one that is designed towards speaking to the cooperation of both the performers and the promoters. As I said before, I talked to a number of promoters who feel somewhat frustrated in their attempts to present a positive image, a good show, and to make a reasonable profit, because obviously, they don't have complete control over the acts that come in.

Also, this resolution is not intended to try to carve anything in stone but hopefully to get some sense of where we, at the local level of government, are in terms of working in a cooperative fashion with the promoters and with the performers to see if, in fact, there's a

little excessiveness. I think what is done in the motion picture industry perhaps gives us some direction. That is, at least the movies are rated, so that the people who are going to the performances know in advance and can make their own decision.

I certainly would be the last one to try to stop some performer from exercising his or her right to creative expression, but I don't believe that there's anyone in this City that believes that anything goes and that any of us is oblivious to what is accepted. I think the fact that these performers come to our City constantly and most of the time engage in the same kinds of activities. I think most of us know what kind of behavior that we probably consider a little excessive, and I think it does us well to try and let that message get out. Just as we try to create a positive image for our City, and we do many things in that regard, we try to promote what we perceive to be positive and what we think the community in general accepts as positive.

I think by the same token we can project that which we don't want, because it's negative, and the community basically sees it as negative and still respects everyone's right. So I have not introduced legislation per se, but a general resolution hopefully will give some sense to where we are in this issue.

The Chair:

Well, to elaborate for just a moment, I agree with your intent, but as I said earlier, through no fault of a certain performer, promoter, there may be some sort of riot incited somehow or other, and that person or those persons may be completely innocent, and we're asking them to be held responsible for something they have no control over.

Mr. Robinson:

Well, this only relates to the performance itself. This does not relate to anything that will go on before or afterwards.

The Chair:

I understand.

Mrs. Masloff:

Mr. Robinson, this is just a resolution which is a suggestion —

Mr. Robinson:

Well, I think that this resolution should be taken in the same spirit as other resolutions that we have previously passed on a variety of subjects. For example, when we wanted to let it be known that we had some concerns about the importation of foreign steel, we passed a resolution. There have been occasions when we have expressed our concern about the ownership of gas stations by gas companies. We have passed resolutions. So this resolution is offered in the same spirit as those previous resolutions.

Mrs. Masloff:

There's no enforcement.

Mr. Stone:

I think that's the problem, frankly. I think if you are saying that you encourage them to do something, that's one thing, but if you're telling them to include in their contractual agreement that they have to do this or that, it would appear to me that we're incorrect.

Mr. Robinson:

Well, I don't think that there's anything in the resolution which indicates that we're forcing anything on a person. In fact, the resolve reads: Be It Resolved, that the Mayor and the Council of the City of Pittsburgh, on behalf of its citizens, does request.

The resolution is offered, as I said before, in the spirit of cooperation, because certainly, all of the entertainers that have come to our City have added something, and I just think that — see, they're visitors; we live here permanently. What they do, they leave here, they leave here for us, and I would say that the situation I'm identifying, it's well known in the entertainment field, and I think it's well known by people who experience rock concerts and other live performances.

Unfortunately, not very much is done or said about it except when there's a very bad incident, and there's a tendency to assume that the group itself caused it, and we lay the blame at their feet. I'm simply saying, let us perhaps take some positive action, to certainly create a positive atmosphere in which we can do something, as opposed to sit idly by and simply shrug our shoulders.

I don't think there's anyone in this room that would take their child to some of those adult-oriented concerts and come away saying that's okay. I don't believe that. I don't even believe that the promoters really like that. I'm not even sure if the performers like to do that, but there is a lot of money involved, there's a lot of excitement involved, and I think sometimes when you don't say anything at all, that there's a tendency to assume that you approve. It only takes a few thoughtless people and irresponsible people to give the impression that you can do anything in

Pittsburgh, and I don't think that there's anyone on this Council that would like that impression given.

Mr. Woods:

Mr. President, I don't see anything wrong with the resolution. It's just a wish. We wish you would conduct yourself in this way, and we wish you would enter into these agreements. We wish you will. There's nothing here that says to demand. It's not a bill. It's not a law. I see nothing wrong with passing this resolution.

The Chair:

Roll call vote.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff	Mr. Robinson
Mr. O'Malley	Mr. Woods

AYES 4 NOES 2

(MR. STONE, MR. DEPASQUALE
VOTING NO)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Mr. Robinson:

Mr. President, point of information. You indicated that the resolution failed. Was that because there was not five affirmative votes?

The Chair:

There has to be a majority of nine, Bill. Nine present.

Mr. Robinson:

Does that mean that the first resolution offered by Mr. Givens also failed?

The Chair:

Mr. Givens' resolution had five votes.

Mr. Robinson:

Okay, thank you.

Mr. Woods:

I have a question for the Parliamentarian, Mr. President. A few weeks ago, I argued, and the Parliamentarian agreed, and I brought the same bill up a week later, because we had the majority of Council present, but not five. Would that hold true on this resolution?

The Chair:

That was on legislation, Ben.

Mr. Woods:

Right. Would that hold true on a resolution?

Parliamentarian:

I don't think so, if it is not legislation.

Mr. Robinson:

Wait a minute; you said you don't think so. Does that mean it could or could not?

Parliamentarian:

In my opinion, it does not.

Mr. Robinson:

What would that opinion be based on?

Parliamentarian:

The rule that you are referring to says when any bill upon its final passage receives a vote of the majority of members of Council present, such bill shall be considered as laid upon the table and called up for further action. Everything that precedes this, if you are talking about legislation, not a sense of Council resolution, so, in my opinion, it would not apply in this situation.

Mr. Robinson:

Is there anything — I assume you're reading from the Charter or the Rules of Council?

Parliamentarian:

From the Rules of Council.

Mr. Robinson:

Do those rules specifically relate to this type of resolution or anything in there that deals with this that you're familiar with?

The Chair:

Mr. Parliamentarian, due to the fact that there are only six members present, would it be proper to recall the bill and have it brought up when there is a full Council?

Parliamentarian:

If Council so wishes, they can.

The Chair:

This way I think would save some time and avoid unnecessary confrontation. Is that all right with you, Bill?

Mr. Robinson:

That's fine.

Mr. Robinson moved to withdraw his motion for approval.

Mr. Woods moved to withdraw his second.

Which motion prevailed.

Mr. Flaherty

No. 3355 An Ordinance amending and supplementing Ordinance 21 of 1983 entitled, "Providing for the notification of plant closings, reductions or relocations, Section 3, Definitions, by including the City of Pittsburgh in the definition of "Employer and Establishment".

Which was read and referred to the Committee on Public Works.

Mr. Flaherty for Mr. Givens presented

No. 3356 Resolution providing for an Agreement or Agreements with the United States Dept. of Interior, Office of Surface Mining, and the Commonwealth of Pa., Dept. of Environmental Resources, for the purposes of granting the Dept. of Interior and the Dept. of Environmental Resources a right of entry into, over and upon certain lands owned by the City in the 31st Ward, and a license and right to install mine drainage piping.

Also,

No. 3357 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment of Nittany Engineers and Management Consultant Services to develop a recycling program for the City's Asphalt Program, at a cost not to exceed \$520.00, payable from Code Account No. PW 83-01, City Resurfacing Program.

Also,

No. 3358 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Browning - Ferris Industries for Rental of Stationary Refuse Compactor Unit and 40 cu. yard Refuse Container used at the Second Division - 28th and Smallman Streets, at a cost not to exceed \$4,267.00, payable from Code Account No. 1612-5, Rental of Equipment, Bureau of Operations, Dept. of Public Works.

Also,

No. 3359 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C., to attend and participate in a special cable television seminar for Congressional Legislative Assistants in Washington, D.C., on July 7-8, 1983, at a cost not to exceed \$360.00, payable from Code Account No. 1661, Misc. Services, Supplies, Repairs, Materials and Equipment. Prior approval by Council on July 1, 1983.

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff for Michelle Madoff presented

No. 3360 Communication from Richard M. Cosentino, Director, Dept. of

Water, requesting authorization for himself, Stanley States, and John Kuchta to attend the Water Works Operator's Association of Pennsylvania Annual Conference at University Park, PA, August 1-3, 1983, at a cost not to exceed \$600.00, payable from Code Account No. 1701, Misc. Services, Administration Division, Dept. of Water. Use of City Vehicle is also requested.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3361 Resolution providing for an Agreement or Agreements with Addison Terrace Learning Center in connection with their Pre-Teen Drug and Alcohol Prevention Program, and transferring \$5,000.00 from Code Account No. 10, Accounts Payable, Prior Years, to Code Account No. 1447, Misc. Services, Dept. of Police.

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 3362 An Ordinance amending the Pittsburgh Code, Title Ten - Building, Article III, Chapter 1043 - Land Operation, by adding Section 1043.17 (e) - Underground Public Utilities - Power and Supply Lines.

Which was read and referred to the

Committee on Public Works.

Also,

No. 3363 An Ordinance amending the Pittsburgh Code, Title IV - Public Places and Property, Article VII - City Realty, by adding a Chapter - Transfer of Property.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3364 An Ordinance amending the Pittsburgh Code, Title VI, Conduct, Article III - Dogs and Other Animals, Chapter 633 Dogs, 633.08 - Impounding; Notice, Redemption and Charges, by adding 633.08 (d).

Which was read and referred to the Committee on Public Works.

Mr. Stone presented

No. 3365 Resolution providing for the issuance of a warrant to William H. Barnes and Anne C. Dill, parents and natural guardians of Benjamin Thomas Elliott Barnes, c/o Wendelynn J. Newton, Esquire, 57th Floor, 600 Grant Street, Pgh., PA 15219 in full settlement of a claim for personal injuries and providing for the payment in the amount of \$9,000.00 payable from Code Account No. 46, Judgments.

Also,

No. 3366 Resolution increasing the bonded indebtedness of the City of Pittsburgh by the issuance of General Obligation bonds in the aggregate principal amount of \$90,000,000.00 to provide funds to pay a portion of the cost of the City's Capital Improvement Program; to advance refund a principal amount not to exceed \$60,000.00, issued in 1982 and 1981; and to pay the cost of issuance of the bonds; and approving, authorization and establishing certain requirements of the City.

Also,

No. 3367 Resolution authorizing the City to distribute a Preliminary Official Statement describing an issue of bonds to be sold on or about August 4, 1983.

Also,

No. 3368 Communication from Melanie Smity, Director, Dept. of Personnel, requesting authorization for James Klein to attend a Block Grant Accounting Seminar in Columbus, Ohio from August 29-31, 1983, at a cost not to exceed \$700.00, payable from the CETA Trust Fund, federal funds.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone moved for the suspension of Rule 8 providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone presented

Bill No. 3369

Report of the Committee on Finance for July 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2971

A Resolution entitled, "Resolution authorizing and directing Pittsburgh City Council to appropriate necessary funds in the 1983 Operating Budget, and the 1984 Operating and Capital Budgets for the purpose of alleviating water service line leaks, low pressure problems, and to accommodate requests for remote readers."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Also,

Bill No. 3281

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Limbach Company in the amount of \$2,622.12 for parts and services to the chiller at the Public Safety Building; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3282

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Fred Denig, Jr., Architect in the amount of \$300.00 in payment for extra services performed for the benefit of the City in connection with rehabilitation of the roof at the 6th Division, Public Works; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3286

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Allied Surveyor Supplies Manufacturing Company, in the amount of Three Thousand One Hundred (\$3,100.00) Dollars in payment for the Emergency Purchase of Flanged Base Monuments (Modified) and 2" Dome Tops to be used for Survey Monuments and Bench Marks; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3287

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Richardson Associates, in the amount of Four Thousand Nine Hundred Fifty (\$4,950.00) Dollars in payment for Professional Engineering Services furnished for the benefit of the City in connection with the Route 51 Rockslide; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3340

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Four Seasons Clift Hotel in the amount of Two Hundred Ninety-Nine Dollars and Seventy Cents (\$299.70) chargeable to and payable from the Energy Task Force Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And there being two-thirds of the

votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3329

A Resolution entitled, "Resolution transferring \$50,000.00 from Special Summer Food Service Program in Trust Fund 1 to Special Parks Programs in Special Trust Fund 2 in the Department of Parks and Recreation."

Which was read.

Mr. Stone:

I have a comment on the recall of Bill 3329. My impression and Chairperson Masloff, as well, was that this was to be reimbursed, but the bill does not call for the reimbursement. If no one has any objections, I'd like to move to have that one recommitted for Wednesday. That's 3329, that's relative to the Special Summer Food Services Program.

Mr. Stone moved to recommit Bill No. 3329.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Flaherty for Mr. Givens presented

Bill No. 3370

Report of the Committee on Public Works for July 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3289

A Resolution entitled, "Resolution amending Resolution No. 618, approved July 2, 1981, effective July 13, 1981, entitled, 'Providing for a Contract or Contracts for the Construction of Sidewalk Ramps for the Handicapped at various locations in the City of Pittsburgh; and providing for the payment of the cost thereof,' by increasing the total project allocation by Fifty Thousand (\$50,000.00) Dollars.

Which was read.

Also,

Bill No. 3290

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Grading, Paving and Curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3321

A Resolution entitled, "Resolution providing for an Agreement or Agreements of Cooperation between the City of Pittsburgh and the Port Authority of Allegheny County concerning the Light Rail Transit (LRT) Project; and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3371

Report of the Committee on Planning, Housing and Development for July 6, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3288

A Resolution entitled, "Resolution amending Resolution No. 1087, effective November 12, 1981, entitled: 'Providing for an Agreement or Agreements with the Saint Ursuline Academy located on Winebiddle Street in Bloomfield and the Urban Redevelopment Authority', so as to construct ramps for the handicapped and do general rehabilitation work, and increase the amount therein from \$100,000 to \$115,000."

Which was read.

Also,

Bill No. 3303

A Resolution entitled, "Resolution providing for an Agreement or Agreements for professional auditing services in connection with the 1981 and 1982 Community Development Block Grant Program Years and providing for the payment and cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff for Michelle Madoff presented

Bill No. 3372

Report of the Committee on Water for July 6, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative

recommendation,

Bill No. 3291

A Resolution entitled, "Resolution providing for a contract or contracts for the Purchase of Screen and Sludge Mechanism Replacement Parts for the Clarifier Basins and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3292

A Resolution entitled, "Resolution providing for a contract or contracts for the Purchase of a Philadelphia Mixer and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3373

Report of the Committee on Parks and Recreation for July 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3293

A Resolution entitled, "Resolution amending Resolution No. 1385, effective January 1, 1983, as amended, entitled, 'A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program' by increasing funds for Riverview Pool design and construction and transferring funds for Fowler Pool and Park and Riverview Pool to Project Specific Trust Funds."

Which was read.

Also,

Bill No. 3294

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts and agreement or agreements or the use of existing agreements for the rehabilitation of Riverview Pool; and providing for the payment of the cost thereof from the Riverview Pool Trust Fund."

Which was read.

Also,

Bill No. 3295

A Resolution entitled, "Resolution repealing Resolution No. 405, effective June 10, 1983, entitled, 'Providing for an

Agreement or Agreements or use of existing Agreements for architectural, engineering or other professional services in connection with the design of Riverview Pool and providing for the cost thereof."

Which was read.

Also,

Bill No. 3296

A Resolution entitled, "Resolution amending Resolution No. 1189, effective November 30, 1982, entitled, 'Providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the rehabilitation of Fowler Pool and Playground and providing for the cost thereof' by reducing the amount provided."

Which was read.

Also,

Bill No. 3297

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts and agreement or agreements or the use of existing agreements for the rehabilitation of Fowler Pool and Park; and providing for the payment of the cost thereof from the Fowler Pool and Park Trust Fund and the 1977 and 1983 Community Development Block Grant."

Which was read.

Also,

Bill No. 3298

A Resolution entitled, "Resolution providing for a contract or contracts or

the use of existing contracts for construction of new facilities at the Pittsburgh Zoo; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3299

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Development of the Pittsburgh Zoo, providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Zoo Development, providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3374

Report of the Committee on Lands and Buildings for July 6, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3283

A Resolution entitled, "Resolution providing for a contract or contracts including the use of existing contracts in connection with construction at various park facilities; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3284

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the installaiton of an overhead electrical system consisting of one (1) anchor on City property fronting on Saw Mill Run Boulevard, 19th Ward."

Which was read.

Also,

Bill No. 3285

A Resolution entitled, "Resolution providing for the lease of a portion of McKinley Park Extension, 18th Ward. Providing for a lease to the United States of America for a term beginning

July 1, 1983, and not to extend beyond June 30, 2008, at an annual rental of \$1,800.00 or certain 'work in kind' as an offset against such rental, certain property of the City of Pittsburgh being a portion of McKinley Park Extension, 18th Ward, upon certain terms and conditions; providing for a supplemental agreement in connection with restoration of the real estate, if necessary."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Stone:

Mr. President, if I may, there presently exists in the City of Pittsburgh a difficulty present with the hospital center and the health center hospital laundry, and I don't think it's necessary for this Council to get involved in their collective bargaining agreement, but nevertheless, I think that needs to be brought to attention of this Council and,

as well, some action taken about it, and that's the matter of the laundries.

It's my understanding, at the present time, there has been, because of the strike problems, an accumulation of soiled linen being contained in some of our major hospitals here within the City of Pittsburgh and some of our largest. That's Presbyterian, Magee, South Side, Mercy, Western Psychiatric, Children's Hospital, Eye and Ear. Relative to this matter, I was given rules and regulations for hospitals, and if I just may quote from a couple of the paragraphs here, you might understand a bit of the problem.

It indicates under "Section 147.52 Clean linen. Clean linens shall be available to meet the daily and emergency needs of the hospital. Clean linen shall be handled and stored in such a way to minimize contamination from surface contact or airborne deposits."

Then it goes into the next one. It's "Section 147.53 Soiled linen. Soiled linen shall be collected and stored in such a manner as to avoid microbial dissemination into the environment. Soiled linen shall be kept segregated from clean linen at all times. Soiled linen from isolation areas shall be identified and separately bagged. Precautions shall be taken in the subsequent processing of soiled linen from isolation areas to prevent microbial dissemination and infection."

This likewise applies to those off-premise laundries, and relative to that matter, it's my understanding that this has gotten to such a situation that they're using the same vehicles to transport clean and soiled linen back and forth, which is creating a health problem, as well. Some of the hospitals have been storing it on the premises, and this is creating a health problem at the

hospitals.

As I began, I'd like to end. I don't think we should be involved in the collective bargaining, but nevertheless, I think something ought to be done about a health hazard that presently exists and is getting worse by the day. I would request that a letter be sent to all hospitals involved demanding compliance with these rules and regulations and a written report from each of them as to how they're handling the soiled linen on premises.

Likewise, a call followed by a letter go to our Building Inspection to inspect all of the affected hospitals to find out what they're doing about the soiled linen, and as well, a letter to the Health Department of Allegheny County requesting that they make an immediate inspection of each of those facilities and to report back in a written report to this Council as to how they're handling that matter.

It is a rather severe problem, and it's one that just can't be left to them to solve themselves, at least the health problem.

Mrs. Masloff:

Bob, what union is striking?

Mr. Stone:

I'm not sure of the union, but probably Laundry Workers.

Mrs. Masloff:

Is it one union that's striking all the hospitals?

Mr. Stone:

There's apparently a couple of different facilities, but this group of

hospitals is using what's called the Health Center Hospital Service Corporation.

Mrs. Masloff:

And they're the ones that are striking?

Mr. Stone:

They have a problem with their union, but the problem that I'm addressing here is purely how soiled linen is being handled on location in facilities within the City of Pittsburgh.

It's my understanding as well that they're storing in some warehouse in Ohio Township, I think in rather large amounts, which needs to be checked into by the Health Department as well, but my personal concern is to City Council and to see that we're protected here. I'd like approval on that.

The Chair:

All in favor vote aye.

The motion carries.

Mr. Robinson:

Mr. President and Members of Council, each of us received a letter dated July 8 relative to the budget for the David Lawrence Convention Center. I'd just like to make a couple comments relative to this budget and how it relates to the current controversy about the Convention Center Hotel Project.

Last year's budget was \$900,000 in deficit. This year's budget is only about \$93,000 in deficit. The point I'm raising is that the deficit has to be paid by the County and the City. We have to share that responsibility. The budget for this

year and the next couple of years has been prepared with anticipation that there's going to be a hotel across from the Convention Center.

Without rehashing all the difficulties that project has manifested, I think it is important for Council to be aware of the budgetary problems at the Convention Center, the budgetary problems that might occur in the future and also the fact that this hotel project was started back in 1980. Now, the projection is that it will not be completed until 1986. What the budget deficit will be for next year, I have no way of knowing at this point, but I would hope that, come Wednesday, as we try to find out where we're going on that Convention Center Hotel Project, that Council would be cognizant that the building of that hotel is going to directly impact on what we do in terms of allocating the necessary funds to pay our portion of that budget deficit.

I'd also like to indicate to Council that I think it might be helpful in trying to get some perspective on this situation to get a copy of the original Urban Development Action Grant application that was submitted by the City of Pittsburgh for the Liberty Center Project, which is dated April 30, 1981. In this particular proposal, I think it's rather clear what the City should be doing and what the developer should be doing, and if this particular proposal is still in effect, then I think we certainly can use it as some sort of guide as to whether or not any progress has been made.

Without prejudging any of the actions of the developers or URA, there are significant references in this document to some sort of Minority Business Participation Program. I've said on several occasions that I have seen no manifestations of a Minority Business

Program as far as this Liberty Center Project is concerned, and the document I'm referring to makes specific references to some things that are supposed to be in place and some things that are going to be done, but I just wanted to share those couple concerns.

As I said, hopefully by Wednesday this Council will be in a position to make some decision as to whether or not we're going to terminate our approval to the developers to apply for a UDAG, and that termination will be effective September 30, 1983, so this document, I think, would be a valuable tool for those who would like to be a bit more informed on this project. Thank you.

Mr. Stone moved that Mr. Givens and Michelle Madoff be excused for absence from this meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. O'Malley**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, July 18, 1983

No. 29

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 18, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3377 Resolution providing for the issuance of a warrant in favor of Graybar Electric Company, Inc. in the amount of \$285.00 for a receptacle furnished for the benefit of the City in connection with repairs to the Fire Department Pumper, chargeable to and payable from Code Account 1363 Materials, Dept. of Lands and Buildings.

Also,

No. 3378 Resolution providing for the issuance of a warrant in favor of Houston-Starr Company in the amount of \$333.25 for construction materials furnished for the benefit of the City in connection with repairs in the City-County Building and providing for the payment thereof.

Also,

No. 3379 Resolution providing for the issuance of a warrant in favor of E.S. Dice Corporation in the amount of \$592.75 for a compressor furnished for the benefit of the City in connection with repairs at the Police Academy and providing for the payment thereof.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3380 Resolution providing for a license to Duquesne Light Company for the installation of an overhead electrical system consisting of four poles and one

anchor on City property fronting on Overton Street and Billiard Way, 14th Ward.

Which was read and referred to the Committee on Lands and Buildings.

Mrs. Masloff for Mr. Givens presented

No. 3381 Resolution taking, appropriating and condemning by the City of Pittsburgh, for public use, certain property of James Kirk known as Block and Lots 14-N-264, 33-A-211, situated in the 30th Ward, City of Pittsburgh. Whereas, the City of Pittsburgh deems it proper and expedient to exercise the power of Eminent Domain invested in the power of said Corporation for the acquisition by it of the Real Estate hereinafter mentioned and described to be used for public purposes.

Also,

No. 3382 Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff., Jan. 1, 1983, as amended, entitled: "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by amending the title of a line item, increasing project allocations, and adjusting the summary totals.

Which were read and referred to the Committee on Public Works.

Mrs. Masloff moved to suspend Rule 8 by providing consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so they will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3383 Resolution vacating Shakespeare Street from relocated Shady Avenue to the easterly side of Vose Way, Vose Way from Penn Avenue to Shakespeare Street and Melmore Way from relocated Shady Avenue to the southerly boundary of Block and Lot No. 84-G-223, excepting and reserving for the 15 inch sewer line located in Shakespeare Street and Melmore Way in the 7th Ward of the City of Pittsburgh.

Also,

No. 3384 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting permission for Brother Richard Emenecker, F.S.C., to attend a conference sponsored by the National Association of Telecommunications Officers and Advisors - National League of Cities in Baltimore, Maryland, from September 25-28, 1983, at a cost not to exceed \$1,000.00 payable from Code Account 1661, Misc. Services, Supplies, Repairs, Materials and Equipment, Dept. of Public Works.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3385 Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company, P.O. Box 4282, Pgh., PA 15203, in the amount of \$56,660.00 chargeable to and payable from Capital Budget Account No. WD-81-06, (4-05-10-1020-81), Dept. of Water.

Also,

No. 3386 Resolution providing for

the issuance of a warrant in favor of Amoco Oil Company, P.O. Box 10250, Newark, N.Y. 07195, in the amount of \$291.50 chargeable to and payable from Code Account No. 1704, Supplies, Dept. of Water.

Which were read and referred to the Committee on Finance.

Also,

No. 3387 Resolution providing for a Contract or Contracts for water line relay in conjunction with the Reconstruction of the Pennsylvania Avenue Bridge, at a cost not to exceed \$220,000.00 chargeable to and payable from Capital Budget Account No. WD-83-13, 4-05-20-1070-83, Dept. of Water.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3388 Resolution providing for the acceptance by the City of Pittsburgh from the Lhormer Real Estate Agency, Inc., of certain property, Block and Lot 114-H-365, in the 27th Ward of the City of Pittsburgh adjacent to Brighton Heights Park. Cost of title examination, recording of deed(s) and all other proper closing costs not to exceed \$750.00 chargeable to and payable from Code Account 4-10-05-1329-80, PR80-05.

Also,

No. 3389 Communication from Louise Brown, Director of Parks and Recreation requesting interim approval for payment for work in connection with the general contract for the renovation of Phipps Conservatory, Phase I, the Fern and Victoria Regia Rooms, at a cost not to exceed \$27,500.00 payable from Code Account PR 83-17.

Also,

No. 3390 Communication from Louise R. Brown, Director of the Dept. of Parks and Recreation, requesting permission for Susan E. Davis, Lawrence Van Buren and Shirley Wright to attend the 1983 Pennsylvania State Games at Penn State University from August 12-14, 1983, at a cost not to exceed \$150.00, payable from Code Account 1844, Special Population Programs, Bureau of Recreational Activities, Dept. of Parks and Recreation.

Also,

No. 3391 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Arch Herron, Duane Ashley, Pauline Herron, Deborah Hojonski, James Krashna, Maria Petrakis and Frances Robinson to attend the National Arco Jesse Owens Games in Los Angeles, CA from August 11-14, 1983, at no cost to the City of Pittsburgh.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3392 Resolution transferring \$9,000.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, to Code Account No. 1446-1, Investigation Expenses.

Which was read and referred to the Committee on Finance.

Also,

No. 3393 Communication from Charles Lewis, Chief, Pittsburgh Fire Department, requesting permission for Eugene Thomas, Jack Faulkner, Lester Yon and Frank Large to attend a school

on Hazardous Materials Incident Response Operations in Edison, NJ from Sept. 19-23, 1983, at a cost not to exceed \$1,000.00 payable from Code Account No. 1463, Misc. Services and Repairs, Dept. of Fire.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3394 An Ordinance appointing a City Magistrate to be responsible for Housing Court, City of Pittsburgh, pursuant to Home Rule Charter, City of Pittsburgh Article II, Section 223.

Which was read and referred to the Committee on Finance.

Mr. Stone presented

No. 3395 Resolution providing for the issuance of a \$1,023.67 warrant in favor of Mark Meadows for vehicle damage by a Department of Public Works vehicle at 2nd Avenue and the Armstrong Tunnel, charging same to Code Account No. 46, Judgments.

Also,

No. 3396 Resolution providing for the issuance of a \$1,140.00 warrant in favor of Theodore Segel for property damage due to salt being placed on property at 1105 Stock Street by City employees, charging same to Code Account No. 46, Judgments.

Michelle Madoff:

What damage did it do? I want to know what it is. It's very, very important.

Mr. Perry:

The salt water from this pile penetrated into her soil.

Michelle Madoff:

Okay. Thank you.

Also,

No. 3397 Resolution providing for the issuance of a \$1,885.24 warrant in favor of West Penn Motor Club for property damage and expenses when dirt and debris entered the water lines, charging same to Code Account No. 46, Judgments.

Also,

No. 3398 Resolution providing for the issuance of a warrant to Karyn B. Linder, c/o Berger Kapetan Malakoff and Myers, 508 Law and Finance Bldg., Pgh., PA 15219, in the amount of \$5,000.00 in full settlement of a claim for personal injuries and providing for the payment thereof.

Also,

No. 3399 Resolution providing for the issuance of a warrant in favor of Frank F. Conte, Inc. for the cost of repairs made on the air conditioning unit in the Computer Room without previous authority of law, in an amount not to exceed \$478.39 payable from Code Account 1048, Misc. Services.

Also,

No. 3400 Resolution creating a Special Trust Fund entitled: "Controller's Financial Management Information System" (CFMIS) providing for the receipt and expenditure of funds from said trust fund for expenses incurred in operation of (CFMIS) and

providing for the transfer of funds into said trust fund.

Also,

No. 3401 Resolution providing for an Agreement with Price Waterhouse for professional services in connection with the development of a Comprehensive Water and Wastewater Authority Financial Feasibility Study at a cost not to exceed \$75,000.00.

Also,

No. 3402 Resolution authorizing the Mayor and the Director of the Commission on Human Relations to make application for, and accept a grant from the U.S. Department of Housing and Urban Development in connection with deferral of housing discrimination charges (and related activities), HUD-FHP Project.

Also,

No. 3403 Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the U.S. Department of Labor in connection with the Comprehensive Employment and Training Act (CETA) program, at a cost not to exceed \$65,000.00 chargeable to and payable from CETA Trust Fund, federal funds.

Also,

No. 3404 Communication from Melanie J. Smith, Director of the Department of Personnel and Civil Service Commission, requesting permission for David Farley to attend a meeting with officials of the Pennsylvania Department of Labor and Industry in Harrisburg, PA on July 14, 1983, at a cost not to exceed \$350.00, payable from the CETA Trust Fund,

federal funds. Prior approval request was submitted on July 8, 1983.

Also,

No. 3405 Communication from Edward Walkowski, Director of Information Systems, requesting permission for Richard Karolski to attend the Honeywell System Course, T62-PCF Administration in Wellesley, Massachusetts from Sept. 21-23, 1983, at a cost not to exceed \$1,395.00 payable from Code Account 1043, Misc. Services, City Information Systems, Dept. of the Mayor.

Also,

No. 3406 Communication from Edward Walkowski, Director of Information Systems, requesting permission for Cynthia Otis to attend the Honeywell System Course, H002-Office Automation Systems Concepts and Functions, and H012-Office Automation Systems Instructor Training in McLean, VA from Aug. 7-11, 1983, at a cost not to exceed \$1,190.00 payable from Code Account 1043, Misc. Services, City Information Systems, Dept. of the Mayor.

Also,

No. 3407 Communication from Edward Walkowski, Director of Information Systems, requesting permission for Mary Nolf and Frank Fair to attend the Honeywell Systems Course, T60A-Introduction to DMIV Administration in Atlanta, Georgia from Sept. 12-16, 1983, at a cost not to exceed \$2,940.00 payable from Code Account 1043, Misc. Services, City Information Systems, Dept. of the Mayor.

Also,

No. 3408 Communication from R. Douglas Long, Director, Pittsburgh Convention/Exposition Center, submitting the budget for the David L. Lawrence Convention Center for the fiscal year July 1, 1983 through June 30, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. DePasquale presented

No. 3409 Petition from the residents of the East North Side requesting a public hearing before City Council to express their opposition to the placement of Alcoholic Recover Center houses in their neighborhood.

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3410

Report of the Committee on Finance for July 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3322

A Resolution entitled, "Resolution transferring the amount of Two Thousand Five Hundred (\$2,500.00) Dollars from Code Account 1612, Materials to Code Account 1612-1, Repairs, both accounts within the Bureau of Operations, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3330

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Aves International, in the amount of \$942.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3341

A Resolution entitled, "Resolution providing for the issuance of a \$1,713.00 warrant in favor of Robert F. Kirby in settlement of claim for automobile

damage as well as personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 3342

A Resolution entitled, "Resolution providing for the issuance of a \$1,466.22 warrant in favor of East Liberty Housing Inc. in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3343

A Resolution entitled, "Resolution providing for the issuance of a warrant to Georgianne Rickey, Executrix of the Estate of Mark A. Rickey, deceased, and Eugene Rickey, her husband, in the amount of \$30,000.00 in full settlement of claim for wrongful death of their son, Mark A. Rickey, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Stone
Mr. Woods

Mr. O'Malley

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3344

A Resolution entitled, "Resolution further amending Section 2(a) of Resolution 955, approved September 24, 1982, as amended by Resolution 327, approved April 29, 1983, entitled, 'Resolution amending Section 2(a) of Resolution 955 approved September 24, 1982, entitled, 'Resolution authorizing the granting to the William Penn Association an option to purchase for six months, upon payment of a non-refundable option fee of \$10,000.00, certain property in the 12th Ward, City of Pittsburgh, at or near Delafield Avenue and designated as Parcels numbered 1 and 2, for the sum of \$180,000.00 and providing for the conveyance of the same', by increasing the period of option from March 24, 1983 to July 22, 1983 upon payment of the sum of \$4,000.00 to the City of Pittsburgh by William Penn Association,' by further extending the time period in which the option may be extended to October 22, 1983."

Which was read.

Mr. O'Malley:

I'm going to abstain on this bill for lack of information.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3329

A Resolution entitled, "Resolution transferring \$50,000.00 from Special Summer Food Service Program in Trust Fund 1 to Special Parks Program in Special Trust Fund 2 in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3411

Report of the Committee on Public Works for July 13, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3323

A Resolution entitled, "Resolution amending Resolution No. 815, approved July 30, 1982, effective August 17, 1982, entitled, 'Providing for a Contract or Contracts for the Reconstruction of the Stadium Street Retaining Wall, from Radcliffe Street to Stafford Street, including necessary work on private property and other work incidental thereto; and providing for the payment of the cost thereof,' by increasing the project allocation by Two Hundred Thousand (\$200,000.00) Dollars."

Which was read.

Also,

Bill No. 3324

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Sewer Reconstruction and Intersection Chamber at Saw Mill Run Boulevard and Library Road, including work on private property and other work

incidental thereto; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3412

Report of the Committee on Planning, Housing and Development for July 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3337

A Resolution entitled, "Resolution rescinding Council Bill 2963 of 1981, providing for the filing of an application

by the City of Pittsburgh for the Liberty Center Urban Development Action Grant Project." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 3337, I'd like to offer an amendment. I'd like to add an appropriate section which would read, "The Urban Redevelopment Authority shall file with the City Clerk a monthly report commencing the first month after this Council bill becomes effective relative to the Liberty Center Urban Development Action Grant Project."

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

Bill No. 3338

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for Administration of City programs and projects, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3339

A Resolution, entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the Manchester Homeownership Urban Development Action Grant Project; providing for the execution of a

Grant Contract and for the filing of requisitions and other data; approving the Manchester Homeownership Urban Development Action Grant Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3413

Report of the Committee on Water for July 13, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3327

A Resolution entitled, "Resolution providing for a contract or contracts for the Purchase of Water Meters and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3414

Report of the Committee on Parks and Recreation for July 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3331

A Resolution entitled, "Resolution amending Resolution No. 1385, effective January 1, 1983, as amended, entitled, 'A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program' by adding a new project, North Shore Development Project (Allegheny Landing Park)."

Which was read.

Also,

Bill No. 3332

A Resolution entitled, "Resolution repealing Resolution No. 1309, effective December 21, 1982, entitled, 'Providing for the letting of a contract or contracts, or for the use of existing contracts for the furnishing and delivery of Various Play Equipment for the Department of Parks and Recreation, and for payment of the costs thereof.'"

Which was read.

Also,

Bill No. 3333

A Resolution entitled, "Resolution further amending Resolution 389, effective May, 1981, amended by Resolution 728, effective July 21, 1982, which reads, 'Amending Resolution No. 389, approved April 22, 1981, effective May 1, 1981, providing for contract or contracts or use of existing contracts for the improvement of the Alpine Street play area of Pittsburgh's North Side in connection with UDAG Program and providing for the payment of the cost thereof' by reducing the amount provided."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3415

Report of the Committee on Public Safety for July 13, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3361

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Addison Terrace Learning Center in connection with their Pre-Teen Drug and Alcohol Prevention Program, and transferring \$5,000.00 from Code Account No. 10, Accounts

Payable, Prior Years, to Code Account No. 1447, Miscellaneous Services, Department of Police."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3416

Report of the Committee on Lands and Buildings for July 13, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3315

A Resolution entitled, "Resolution providing for an architectural/engineering Agreement or Agreements in connection with the

rehabilitation of EMS #1 and EMS #2; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3316

A Resolution entitled, "Resolution authorizing the sale of property in the 9th Ward of the City of Pittsburgh, designated as Block 26 C, Lot 22, to Bruno Sciulli for the sum of \$2,500.00."

Which was read.

Also,

Bill No. 3317

Resolution amending Item A of Resolution No. 401, approved June 10, 1983, for the sale of a house at 249 Dinwiddie Street (3rd Ward) 11-E-272 to Ronnie A. and Susan M. Mickle (W.) for the sum of \$1,000.00. Resolution is to correct the year of acquisition from 1979 to 1977. Both the proposal and resolution should read: Acquired on September 12, 1977.

Which was read.

Also,

Bill No. 3318

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 3319

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Flaherty presents

Bill No. 3417 WHEREAS, farm workers and their families, whose back-breaking work helps feed America, have suffered some of the worst conditions of any occupation in America — unemployed and underemployed much of the year, piecing together jobs in various seasonal crop activities, isolated from the mainstream of community life,

excluded from most unemployment insurance and most social legislation safeguards, deprived of educational opportunities for their children, and without adequate housing, health care, sanitation and community services; and

WHEREAS, the right of farm workers to form unions and to engage in collective bargaining under orderly procedure is not protected by law in the Midwest; and

WHEREAS, the heroic strike of tomato workers in Ohio, Indiana and Michigan seeks to end the poverty, insecurity and indignity of farm workers employed in one of the nation's largest industries, agribusiness; and

WHEREAS, these workers have met with increased poverty, violence, legal attacks and strikebreakers, and yet they have vowed to remain on strike while their Farm Labor Organizing Committee (FLOC) seeks a contract with the growers and canneries which would provide fair wages and dignity to these working men and women; and

WHEREAS, the Farm Labor Organizing Committee has embarked on a 560-mile march from Toledo, Ohio to Camden, New Jersey, in an effort to inform the public of the plight of the Midwestern farm worker, a plight which demands concern from any American possessing a love for freedom and the principles of democracy,

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh, do hereby declare July 21, 1983 "Farm Worker Day" in the City of Pittsburgh, and welcome the members of the Farm Labor Organizing Committee on their historic march for justice, commending them for their untiring

efforts to improve the quality of life for farm workers and their families, who labor to feed us all.

Mr. Flaherty moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Flaherty:

Mr. President, I would just care to add some remarks in regard to the recently enacted resolution in that 75 members of the Farm Labor Organizing Committee hopefully will arrive here in the City on the 21st. They are scheduling a rally for noon on the steps of the City County Building to raise public attention to their plight. We are talking about a 600 mile trek that has received the national spotlight. Caesar Chavez plans on joining somewhere along the route and I would just hope that if anyone is interested, that they join the rally at noon or that they attend a meeting at 7:30 on the 21st at Carlow College in which more explanation of their cause and more education as to how they can utilize support.

The Chair:

Thank you.

Also,

Bill No. 3418 WHEREAS, on July 5, 1983, Pittsburgh City Council passed a plant closing notification law to begin to address the problems of business relocations and closings and their deleterious impact on the lives of Pittsburgh working people; and

WHEREAS, this law has been met with opposition by the Administration as well as business leaders; and

WHEREAS, Mayor Caliguri has filed a declaratory judgment action in the Court of Common Pleas, seeking to resolve the legality of the plant closing notification law; and

WHEREAS, Pittsburgh City Council would like to resolve any questions regarding the legality of this law in the best interests of the residents of the City of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Council retains the law firm of Abes and Begler, 1200 Law and Finance Building, Pittsburgh, Pennsylvania, 15219 to prepare and pursue the legal defense of Ordinance No. 21, known as the plant closing notification law.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. O'Malley:

I have a question for Councilman Flaherty. I think it was in July 4th's paper, you stated that you will ask Council on Monday to hire its own legal counsel to ask the court to throw out the Mayor's petition. Is that what you're asking for here?

Mr. Flaherty:

We have attempted to refine that statement. I would hope that Council would allow the final judgments to be made in a more accurate sense through the attorneys that are going to handle the case. Subsequently, we have had the Small Manufacturers Council and the Pittsburgh Chamber of Commerce have added to the Mayor's call for a declaratory judgment. In my mind, that adds more validity, perhaps, to their

calls since perhaps a —

Mr. O'Malley:

That wasn't my question. My question was, are you asking permission of this Council to engage an attorney to ask the court to throw out the Mayor's petition or are you asking us for money to engage an attorney to defend the plant closing legislation?

Mr. Flaherty:

There's nothing in the resolution about asking the court to dismiss the Mayor's petition for declaratory judgment. I think Council is also very interested in seeing the question resolved as to the legality of the ordinance and it's important to keep in mind that the plant closing notification ordinance was the initiative of this Council and was passed solely on the political courage of this Council. We are all aware that we had two public hearings on the issue, that the Mayor was adamant in his opposition from the beginning; subsequently after Council passed the bill, Council was consistent and was able to override the veto of the Mayor. So, I think it's important that Council continue to assert its initiative and its independence in this matter. Essentially what we're talking about is the separation of powers. The Mayor is the executive and Council is the legislative. This is certainly an issue that has been enough of a rallying point that I think Council should exercise its prerogatives on it and that prerogative should be the strategy of this Council and solely of this Council just as the Mayor has his strategy which is solely the strategy of the executive branch.

In closing, I would want to say that we are all aware that the Mayor has offered to select one of the three attorneys that Council selects as to who

will argue the case for the City. I think the Mayor asking for a declaratory judgment, the manner in which he did it was extremely unorthodox in that I don't believe that there is legitimately a defendant in the case since the Mayor's City Solicitor has said that he cannot defend the law because he feels that it is illegal. It seems to me that defense of this law needs more than a straw dog. It needs more than the Mayor, who is unalterable opposed to the law, making the final selection as to who will defend the legality of the law. I think that it's important that this Council serve as that legitimate defendant since the ordinance is our child and that we contract the firm of Abes and Begler of which Jay Hornig is an attorney for that firm and Mr. Hornig is one of the authors of the plant notification ordinance and has similar expertise with plant closing ordinances in New Jersey and is probably this City's foremost expert in the legal sense on plant closing.

The Chair:

If I may interrupt you, that was going to be my question, how we settled on the law firm, but you've answered it for me.

Mr. O'Malley:

I'm not finished with my dialogue here, Mr. Flaherty. I have no problem in supporting this resolution. I think myself, along with a lot of members of Council including people in the audience, would like to get this resolved one way or the other, whether this plant closing legislation is legal or its not legal.

Where I have a problem is if we're going to hire, which I think you should amend your bill, if we're going to hire a legal counsel to fight the merits of the plant closing notification legislation, to fight it on its merits, I can support that

100 percent. If you are hiring a law firm to have the Mayor stop from filing a declaratory judgment, I cannot go along with that.

Mr. Flaherty:

Well, we are going to fight the Mayor's judgment on its merits.

Mr. O'Malley:

In other words, you really don't want the courts to decide whether this legislation is legal or its not legal.

Mr. Flaherty:

I'm not saying that and that language is not included in the resolution.

Mr. O'Malley:

Well, don't you think it would be best for all parties concerned, Tom, that we take this matter before the courts and we have SNAC and the law firm of Abes and Begler argue your points in favor of the bill and we have somebody argue points against the bill and we let the courts make the decision? I don't really think it's necessary to get into a political battle of whether we can file a declaratory judgment or whether we can't file a declaratory judgment.

Mr. Flaherty:

There is no language about hiring an attorney to dismiss the petition filed through the Mayor's Office.

Mr. O'Malley:

So, what you're saying --

Mr. Flaherty:

It's very clear, Councilman

O'Malley. Pittsburgh City Council would like to resolve any questions regarding the legality of this law in the best interest of the residents of the City of Pittsburgh.

Mr. O'Malley:

So, in other words, this firm is only going to deal with the merits of the legislation.

Mr. Flaherty:

The merits of the legislation.

Mr. O'Malley:

Okay. One other comment about what Councilman Flaherty said. He said that this Council showed extreme political courage in passing this plant closing legislation and overriding the Mayor's veto. There I disagree with that and members of this Council have stated that they were intimidated. Ferlo, in the Press Sunday, July 17, stated that Pittsburgh Neighborhood Alliance agreed that this Council was intimidated. So, it seems to me that members of this Council are no longer serving the best interest of the City of Pittsburgh but they seem to be serving their own best interest. --

Michelle Madoff:

I resent that very much.

Mr. O'Malley:

There was no political courage as far as I'm concerned. It was more intimidation.

Mr. Flaherty:

Mr. President, I believe in the defense of every member of this City Council that we can all take heat, that

we can all take some intimidation, and I personally resent Councilman O'Malley strongly implying that some members of this City Council are not worth their salt

Mr. O'Malley:

I didn't say that.

Mr. Flaherty:

— And can cave in to a handful of proponents of plant closing notification. I think it was the courage of this Council and just because Mr. O'Malley does not believe in giving workers a sufficient amount of time before they are unilaterally axed from their jobs, that's his problem and he should contain his remarks to the resolution.

The Chair:

Tom, I think you're out of line with that remark. Let's not have a running battle. There will be no more of this.

Mr. Woods?

Mr. O'Malley:

No, let Mr. Flaherty finish his comments —

The Chair:

He finished his comments. It was uncalled for.

Mr. O'Malley:

Pardon me?

The Chair:

I said his last remark was completely uncalled for. And I think that rather than getting into a running

debate, we ought to get on with this.

Mr. Woods:

As everybody knows, especially my colleagues, I always vote, I always have and I said I'd never vote for our own legal advisor. In this case I'm definitely going to make an exception. I'm going to vote for this and I'm going to ask all my colleagues to vote for this because the City Solicitor has definitely said he can't defend us, and I feel that this law firm, no matter how they defend us, if they can go in there and have that petition thrown out, so be it. If they didn't file it properly that's their problem, not our. We should fight this in any manner we can.

Secondly, the remark made in the paper and by Mr. O'Malley, I want everyone to know that nobody, absolutely nobody, intimidates Ben Woods. Ben Woods voted for that because Ben Woods wanted to vote for that.

Michelle Madoff:

Point of clarification. Councilman O'Malley, throwing out the Mayor's petition is really just a legal term. For example, on the law suit that I've instituted with two of my colleagues, Mr. Robinson and Mr. Flaherty, when we had the vote of 5-4 for having a fiscal advisor, we filed objections to the suit. It's one in the same thing. It's just that one of the procedures in trying to determine is the suit legal or is it not. It really, by itself, doesn't mean anything. It's just a legal term. I think Mr. Stone would verify that. It's part of the legal procedure.

Mr. O'Malley:

I have no problem supporting this particular piece of legislation —

Michelle Madoff:

I understand your confusion on it and I just wanted to clarify that.

Mr. O'Malley:

I'm not confused on it. I want to make sure that they argue the merits of the legislation.

Michelle Madoff:

That's part of it.

Mr. O'Malley:

When this ordinance was put together, Michelle, the attorney representing SNAC, Save Nabisco Action Coalition, was not aware of Act 62, Section 1-302, of the Home Rule Charter. Once they found out about this section, the attorney admitted, and it's to be checked out with our Law Department, that they didn't feel that the bill would stand a court challenge, that they rendered the opinion that their client wanted to here. There's no doubt in my mind that when this is challenged in court, it's going to be found unconstitutional. And I think that will give us the opportunity to rewrite the legislation that will give the help and the support that the people who are unemployed in this City need.

Michelle Madoff:

Mr. President, I wasn't through. I just wanted to point out the legal term of filing for objections or throwing out the Mayor's petition. Is this part of the procedural action of determining indeed whether this bill is legal or not?

To the issue of Mr. Woods, if I may address him, making an exception in this case where he's going to vote for a legal counsel, which we are entitled to

under the Home Rule Charter, Mr. Woods, I think if you search your soul and your conscience, I don't think it's fair to say only in this case will you make an exception. I think this Council needs its own legal counsel. We need our legal counsel and I vote for this and I would urge you to vote for sustaining Council when we need that.

Mr. Stone:

Mr. President, if I may, I think we ought to be defining who the law firm is going to represent. It's my understanding that it's representing Council. So, in the paragraph we'd have to say Council is retaining the law firm of Abes and Begler to represent City Council's position and not the City.

Number two, as everybody knows, I abstained because of the thought that I think something should have been done about this area. I don't agree with the language of the legislation and therefore I didn't want to vote against it either. But, on the other hand, I don't intend to be an obstructionist in trying to give this the best opportunity possible for a good defense in court. On the other hand, I think we ought to be defining our terms. One or two or three members of Council will be leading this suit. I think there has to be a report back to Council and you have my promise up front that I'll do nothing to obstruct a true defense on this issue but at the same time, I want everybody to know in advance I'm not letting any two Councilmen or three Councilmen or less than the majority of this Council tell us where we're going with it.

If the client is City Council then City Council ought to be getting the reports and City Council ought to be determining where we're going.

Michelle Madoff:

Mr. Stone, who would you recommend those people be?

Mr. Stone:

All of us. Council.

Michelle Madoff:

No, I'm talking about the firm. Wouldn't we want the firm that brought the bill to —

Mr. Stone:

I have no problem with that.

Michelle Madoff:

I'm sorry. I thought you were objecting to that.

Mr. Stone:

No.

Michelle Madoff:

You're saying that the people hiring should be Council at large. All of us.

Mr. Stone:

Mr. Flaherty, on your resolution, after the address, Council retains to represent City Council of the City of Pittsburgh.

Mr. Flaherty:

I just have a question in regard to that, Councilman Stone. Isn't City Council synonymous with the City? It seems to me that the Mayor offered to select one of the three finalists that Council had to argue the legality of the ordinance. I'm confused now that we are

saying to the Mayor, "Thanks but no thanks but we will select our own attorney and he will argue the merits of it". Why we have to specify City Council, since there isn't going to be anyone from the Mayor's Office, I don't believe, —

Mr. Stone:

I think you've answered it. It's obvious that you don't represent the Mayor or the Administration so he represents City Council so let's say what we represent. That's all. There's no trick answer to it.

Mr. Robinson:

Mr. President, I think members of Council should pause before we take action on this resolution. I think that if we read the Home Rule Charter it's rather clear that Council does have the power to secure their own legal counsel but that that individual cannot represent us in a court of law. It's my understanding by reading the Charter that the only entity able to represent the City of Pittsburgh in a court of law is the City Solicitor or someone on his staff. I would hope that if we take serious this step that we clarify all the procedures and clarify whether or not we are in compliance with the Charter. Like Mrs. Madoff, I think that this issue teases up another issue that unfortunately we have been unable to resolve and that is the issue of securing our own legal counsel. I think this issue is a manifestation of the difficulty that we're constantly encountering in terms of our inability to come to some sort of agreement with the Administration and then the inability of the Solicitor's Office to serve two masters. I think what Mr. Stone has suggested would not be compatible with the Home Rule Charter. I think Mr. Flaherty's position probably makes a lot more sense in terms

of the individual firm that we select representing the City. The problem here is that the City has two different positions. Council has one position, the Mayor has another position. The Mayor who is opposition to our position has indicated he'll hire a lawyer of our own choosing to go to court to represent the City. I think that's totally inconsistent and the only person that can go into court is the City Solicitor. He has indicated that he cannot defend this ordinance and that says to me that the City Solicitor is indicating to us that he will not carry out his responsibility which is to represent the City of Pittsburgh in the courts. No one else can do that. So, I have difficulty selecting anyone who is not going to represent the City of Pittsburgh and I have problems with doing anything as inconsistent with what the Charter says.

Mr. Woods:

Mr. President, if I may, Danny Pellegrini is here. I have spoken to him and they will put this firm on retainer, paid out of their funds, it will be on retainer, it will just be acting like the City Solicitor only defending our stand.

**Dante Pellegrini
City Solicitor:**

That's essentially correct. They would be representing the City of Pittsburgh depended upon entering into a retainer agreement with them. I select the individual that represents the City under the Home Rule Charter. I have no objections to selecting that firm. With the caveat, though, I think that Council has to understand that they represent SNAC also. It should be disclosed that their interest — they'd have to no longer represent SNAC in the litigation that would take place and there would have to be a completely independent position. We'd have to enter into a specific

retainer agreement. I have no objection about appointing them as Council in this case. If they would be hired by City Council as City Council's attorney, that would be a different matter. We'd have to re-examine our position because, again, we would still be in the case. The reason that we filed the lawsuit and said that we would select outside counsel —

Michelle Madoff:

Who have you selected?

Mr. Pellegrini:

We haven't selected anybody.

Michelle Madoff:

I understand you have. Word on the street is that you already have.

Mr. Pellegrini:

How could I have selected from someone when I asked for three names from City Council?

Michelle Madoff:

So the counsel has to represent the Mayor.

Mr. Pellegrini:

No one is going to represent the Mayor.

Michelle Madoff:

You're going to represent the Mayor?

Mr. Pellegrini:

No. The City of Pittsburgh has a position now. I think everybody really has to realize that. The City has enacted the legislation. The person

that's really not represented in this lawsuit is the Mayor.

So, if Council wants to name that firm and there's no undisclosed conflicts of interest that we don't know about now, I have no objections to pointing them as counsel to represent the City in the action, depended upon the conditions that I set forth.

Mr. O'Malley:

I have a question. Who is going to handle the other side? If the law firm of Abes and Begler is going to handle the City's position, who is going to —

Mr. Pellegrini:

Small Manufacturers' Council, there is a petition for their intervention to be argued on Friday. The Chamber of Commerce has intervened. I don't know who is going to represent them. I don't know if the same firm is representing both of them. I think it's Reed Smith but I'm not sure. We've been contacted by a number of other manufacturers that want to take part in the lawsuit so I don't know how many people are going to be involved.

Mr. Flaherty:

I have a question. Are you aware of Councilman Stone's amendment?

Mr. Pellegrini:

I'm aware of it and I think the problem that we have was one all along. As I informed you in my letter, I could not think of a valid legal reason why this ordinance should be sustained. Rather than being involved in both a conflict with the City and in an ethical conflict, we were going to select an outside firm to represent the City but rather than saying that we were appointing a firm

that was not going to defend it, we were going to put the burden on you to select that firm. Win or lose, you're the ones that are going to —

Mr. Stone:

That's not his point. His point is in view of me clearing up the language, it's necessary to say for City Council in the City of Pittsburgh.

Mr. Pellegrini:

I think the resolution should read, and it doesn't really even have to be a formal — this is a sense of Council resolution I take it — it should be that City Council recommends to the City Solicitor the firm of Abes and Begler to represent the City of Pittsburgh in the plant closing litigation.

Mr. Flaherty:

But to represent the City, not City Council, because this is a law of the City, it's bigger than City Council.

The Chair:

Mr. Pellegrini, if I may take the prerogative of the Chair, I don't want to put you on the spot but I think Mr. Robinson has a very key point. You're the only one empowered really to defend the City, yet you're not going to defend the City and we're going to have somebody else going to court.

Mr. Pellegrini:

That's right.

Mr. Stone:

Wait, Mr. President, hold on. Tom, what you're saying is accurate. What he's now saying is that for City Council to recommend to them and

they'll appoint that individual and that's how it now get it's legal status to represent the City. Do you understand?

Mr. Pellegrini:

I have to appoint that individual. Under the Home Rule Charter, the only one --

Mr. Stone:

Don't complicate it. Council recommends to you the appointment of that particular counsel.

The Chair:

One more remark, Mr. Robinson, then I think we ought to go on.

Mr. Robinson:

Just by way of clarification, am I correct that the City of Pittsburgh took some official action in the courts relative to this plant notification law?

Mr. Pellegrini:

The only action that we took, and this is what you're hiring counsel for today, is to determine whether it's legal. We fully hope that the individual that represents the City to advance the position that the ordinance is legal. I don't think it's the intent of Council to have the action withdrawn or anything else. We're going to engage them to carry forward the litigation. We're not engaging them to withdraw the litigation. I think that should be clear.

Mr. Robinson:

Do I understand that the authority of the City Solicitor's Office to take the action that you just identified is in the Home Rule Charter?

Mr. Pellegrini:

No, the Home Rule Charter provides that the City Solicitor is the only one authorized to represent the City of Pittsburgh.

Mr. Robinson:

Is there anything in the Charter, or your interpretation of it, that would give you authorization to hire someone else to go into court to represent the City of Pittsburgh?

Mr. Pellegrini:

Yes. We've done that. In fact, we have bond counsel that represents the City in matters. That's been going on for forty years.

Mr. Robinson:

Just because that goes on doesn't make it right.

Mr. Pellegrini:

That's right.

Mr. Robinson:

I'm just trying open up the justification. I'm saying in the Charter or your understanding.

Mr. Pellegrini:

That's right.

Mr. Robinson:

Okay. The third thing is the position that the Solicitor's Office has taken has been basically that you will not defend the City of Pittsburgh in court?

Mr. Pellegrini:

No, that's not the position that we've taken. The position that we've taken is that we believe it's in the best interest of the City to find out whether this is legal or not for a number of reasons; to resolve this matter once and for all so that the Administrative Officers and my office can enforce if it is legal or not enforce if it is illegal.

Mr. Robinson:

Let me ask another question. You're familiar with the suit that was filed on behalf of some business persons in the City.

Mr. Pellegrini:

They are seeking to intervene in the action that we brought, as defendants.

Mr. Robinson:

Was the impression of the Law Department that no other parties would go to court and therefore, our Law Department had to go into court?

Mr. Pellegrini:

It was the impression of the Law Department that if this ordinance was enforced and our position was correct, that it is illegal, and vast amounts of damages piled up, that the City of Pittsburgh could be subject to liability for enforcement of the ordinance.

Mr. Robinson:

Correct me if I'm wrong. The City Solicitor's Office gave us an opinion on this ordinance indicating, basically, that you didn't think it was enforceable, that it was illegal, unconstitutional, etc.

Mr. Pellegrini:

I just point out one state statute to you that said that no Home Rule municipality may regulate business or place any requirements on employers or occupations.

Mr. Robinson:

But, in effect, you were telling us that we could not do this. Am I correct? Or that we shouldn't do it. That was your advice. We shouldn't pass it.

Mr. Pellegrini:

My advice to City Council was not so much advice as pointing out the state statute.

Mr. Robinson:

Wait a minute, Danny. No, no, you're not going to do this today. In the past, you have given us opinions, that opinion has been considered advice. Some members of this Council have even indicated that your opinions are orders, direct orders. All I'm saying to you now is that this Council interpreted your opinion that we should not pass that legislation because it was unconstitutional and illegal and you pointed out certain state statutes and laws. All I want to know is, is that still your position?

Mr. Pellegrini:

My position has not changed from the date of that opinion.

Mr. Robinson:

Fine, because I think the record will reflect that the City Solicitor's opinion was entered into the record as advising us not to proceed on the bill

that we passed. Also, in the Mayor's veto, the Mayor pointed out to this Council that the Solicitor of the City of Pittsburgh, who is our Solicitor and his Solicitor, advised us not to pass it.

Now, the point about the economic ramifications. The Mayor has indicated through the paper and in his veto, he would not enforce the law even if we passed it. They Mayor has not taken any action which would, to my way of thinking, prompt the Solicitor's Office to try to go into court to prevent any kind of economic catastrophe in the City. The Mayor, until he takes action, is bound, duty bound to enforce every law in this City. And if he doesn't enforce it, it's not up to the City Solicitor to go into court, it's up to the people who will be affected to go into court. Nobody went into court except the City Solicitor's Office.

You tried to maintain three or four positions at the same time. On the one hand, you advised us not to pass the bill. On the second hand, the Mayor said he's going to rely upon your advice. Third, many members of this Council took your advice when they voted against it. Then you go into court, based on what I am not sure, then you tell us once you go into court you can't defend the City. You were in the court as representing the City. At least one third of the City didn't want you to go into court. This Council never asked you to go into court. I don't know if the Mayor asked you to go into court or who asked you to go, but when you went, you represented the City. Now you tell us you can't defend us and you will accept an attorney of three. You set the terms for us. Send you three names, you'll pick one. I don't know based on what authority you're doing that. Then you say to us we should submit a name to you of a law firm that doesn't have any, and I don't have the exact wordings, any kind

of conflict of interest or any vested interest in this situation. It seems to me that what you asked us to do is to find a law firm in this City that's had no direct involvement in this situation on either side whether they were with SNAC or with the City of Pittsburgh. This firm that Councilman Flaherty has identified in his resolution obviously, obviously, has a vested interest. Everybody knows that. You know that, they know it, Councilman Flaherty knows it, I know it. And for us to even seriously consider them in the face of your recommendation, I think is ludicrous. What we're going to do is, we're going to hire a law firm who by the City Solicitor's opinion is not qualified to represent us. What we're going to end up with is, we're going to go into court with one arm tied behind our back being represented by a law firm that has not the sanction of the City Solicitor's Office or the support. I don't believe that you can send anyone into court to represent the City of Pittsburgh and not give them the necessary legal assistance. By your own opinion and by your own posture, you couldn't possibly, and the City Solicitor's Office, couldn't possibly tell any attorney to go into court right now representing the City of Pittsburgh.

I have a lot of problems with this whole tangled process that we have come up with and I think if the courts are going to resolve this, then let's work out a procedure where they can resolve it and let's not try to put the City on three or four sides of this issue.

Mr. Pellegrini:

I don't intend to help the person that is representing the City. That's why we're hiring them.

Mr. Robinson:

Danny, you cannot hire anybody to represent the City of Pittsburgh and Solicitor and not help them. You're obligated by law to help them. You're obligated.

Mr. Pellegrini:

Councilman, what I'd like to explain to you is that when you hire counsel, I cannot help them because what you would then accuse me of doing is not giving them the assistance or giving them wrong information in prosecuting this lawsuit. The ultimate goal of this lawsuit is to determine the legality of the bill.

Mr. Robinson:

Right.

Mr. Pellegrini:

These individuals, which I indicated to you were acceptable to me, can prosecute the lawsuit, their attorneys admitted to practice law in Pennsylvania, they can do their own research. They don't need my research because my research indicates a completely 180, opposition to their's. They have to advance the bill. They can advance any argument they want in support of the ordinance. If they can succeed in making this ordinance legal, it will have important ramifications for the City.

Mr. Robinson:

Let me just say one other thing and I'll be finished, Mr. President. I can't support this resolution as it's presently structured and I can't support the City's position going into court because I don't think the City has a position.

Let me just say that I think, unfortunately, the Solicitor's Office has put us in a position where we're going to be unable, the City is going to be unable, to defend itself in this matter. The City's position is rather obvious. The City has on its books a plant closing notification law which is the law of the City of Pittsburgh. It's the sworn obligation of every City official, particularly the elected officials, to enforce every single law. Unfortunately, I think the Solicitor's actions have put us in a position that we are going to be hiring some legal counsel to represent the City that will not have the benefit of the City's expertise, will not have the benefit of the City's lawyer who is our Solicitor. I say unfortunately because I think had the Solicitor's Office perhaps approached this a little bit differently, the Solicitor's Office could have removed itself earlier in the process and certainly not prejudiced the position that anyone who represents the City now has to take.

I would be hard pressed, Danny, at this point, to support any process that the Solicitor's Office devises to secure legal counsel to represent the City. It is my opinion and my observation based on my research that you have an obligation to defend this law in court regardless of your opinion, and that it is in no way in violation of any ethics or anything else and I think the fact that you have taken the bold action that you already have to go into court suggests that you understand your obligation to represent the City of Pittsburgh. You're not representing Danny Pellegrini or the Mayor. Unfortunately, that has been the projection and I think you put us in a no-win situation now. Not only is this ordinance probably going to be enforced by the Mayor, this Council and the Mayor are going to have one heck of a time going into a court and representing the City of Pittsburgh. We are fighting a battle with a divided army. The Mayor is

against it, the Solicitor is against it, Council is for it and the three of us are going to get together and hire a general to lead us. I want no parts of this war.

The Chair:

Okay, now we're going to vote on the resolution.

Michelle Madoff:

I had my hand up before, Mr. President.

The Chair:

No. There's no more discussion, Michelle. Roll call vote.

Michelle Madoff:

Point of order. Point of personal preference. I'm sorry, I had my hand up.

The Chair:

I'm sorry. I said one more comment and Mr. Robinson was it. Call the roll on the vote.

Mr. Flaherty:

Are we including Councilman Stone's amendment? I think that's important for clarification.

Michelle Madoff:

You're not allowed to ask a question if I can't. Mr. DePasquale is going to have to learn to be polite to everybody.

The Chair:

Mr. Stone, I don't recall you making an amendment. Did you make an amendment? I know you discussed it but

Mr. Stone:

Mr. President, it was recommended by the City Solicitor and when I talked to Mr. Flaherty he agreed to it. That was that the City Council recommend the retaining of the law firm of Abes and Begler to represent the City's interest in pursuing the defense of Ordinance 21. That's all.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'm opposed.

Mr. Stone:

If I may, Mr. President, —

Michelle Madoff:

No you may not, I had my hand up first. Either I get to get my question or no one else gets ahead of me. We women will not sit here and be —

The Chair:

Please, Michelle. Let's get on with the voting.

Michelle Madoff:

Then don't take any questions from anybody else.

Mr. Flaherty:

I vote aye and I just want to react in saying that I agree wholeheartedly with the arguments that Councilman Robinson has made but, unfortunately, I think we have to support the resolution because we are in a bind where the Mayor's Office, I believe, the Solicitor's Office certainly has prejudiced the air in

regard to the plant notification ordinance. There isn't any method now that can unpollute the air but I think that this is a way that would suffice more than not having any defense in court which is certainly all the alternatives at this stage, no defense. I support the resolution.

Michelle Madoff:

I need to ask a question before I can vote. Mr. Danny Pellegrini and the Parliamentarian, when Council votes to override the Mayor, doesn't that take precedence over the Mayor and doesn't that become the will of the City?

Mr. Pellegrini:

The law of the City of Pittsburgh today is that there's a plant closing ordinance on the books. Whether it's legal or illegal is another matter. What we are attempting to do is to find out whether --

Michelle Madoff:

You didn't answer my question.

Mr. Pellegrini:

I just did. It's on the books. We have a plant closing ordinance on the books that could subject the City of Pittsburgh to liability. That's the answer you want.

Michelle Madoff:

But if Council is going into court to find out the legality of the bill, there's no reason when have enough members to override the Mayor for the Mayor to even be involved or the Administration in the lawsuit and that is essentially what Mr. Robinson is saying. Why are you joining with the Chamber and with --

Mr. Pellegrini:

We're not.

Michelle Madoff:

Yes you are.

Mr. Pellegrini:

We're not.

Michelle Madoff:

You should stay out of it completely.

Mr. Pellegrini:

We're not.

Michelle Madoff:

Are you staying out of it?

Mr. Pellegrini:

That's what the whole purpose of the bill is. The whole purpose of the bill is that they're going to advance that the ordinance is legal.

Michelle Madoff:

The Administration will stay out of this bill? I want an answer to that. Will you stay out of the bill?

The Chair:

If I may interrupt you at this point, Michelle, I think something that we're all overlooking is that if the bill is declared legal in the courts, isn't the Mayor then forced to enforce Council's dictate?

Mr. Pellegrini:

Yes.

Michelle Madoff:

And the liability for the legality of that of this City.

The Chair:

We're asking whether it's a legal bill or not. Okay? The City is. I just want to make it clear that the Mayor has to enforce it if the Mayor says it's a legal bill.

Michelle Madoff:

Right. Therefore, the challenge to the bill should not be from the Mayor because his veto was overridden. He should stay out of it. We hire our people and we find out whether it's legal or not legal.

By what right did you go to court, Dan? Did you get permission from this Council? We overrode the Mayor's veto. We are the majority. By what right did you go to court?

Mr. Pellegrini:

Will you listen for a second?

Michelle Madoff:

Certainly.

Mr. Stone:

Call the question.

Michelle Madoff:

We are calling the question.

Mr. Pellegrini:

We didn't ask that the ordinance be declared illegal.

Michelle Madoff:

What do you mean you didn't ask it be declared illegal. You took it to court to prove it was illegal or not illegal. It's not your job. It's this Council's job. We are one and if you're not one and you're opposed to it, stay the devil out of it.

I vote for the bill.

Mr. O'Malley:

I vote aye. I'm going to support it but I disagree in part with my colleague, Councilman Robinson. What I believe here is that the wishes of six members of this Council does not necessarily make this legislation legal. I believe what we have on the books right now is an illegal law and I think it should be tried in the courts one way or the other.

Mr. Stone:

If I may, Mr. President, before casting my vote, I think I have to make a couple remarks here. In fairness to all parties involved, it's been stated and correctly stated that the City Solicitor made his legal opinion prior to any voting and he's been consistent all the way through it. He advised the Mayor; the Mayor vetoed it. It came back to this Council and this Council overrode the Mayor's veto in spite of the knowledge that the City Solicitor had said in his opinion it was illegal and it was a constitutional problem.

I think from what the Solicitor has attempted here today to do shows if anything more fairness than some people are giving him credit for. He filed on behalf of this City in the best interest of this City if he's correct, and that is a petition for declaratory judgment. In that statement, they are not saying it's legal or illegal, they are saying that

there are some concerns, according to the City Solicitor upon whom we must rely, in the event that there's any economic or financial burden to the City of Pittsburgh for making a wrongful act. So, they've gone to court just to have this thing decided one way or the other. He's indicated as far as he is concerned that it is illegal and unconstitutional. As far as this point is concerned, he's indicated that if Council appoints a Solicitor, he will then give that person free hand. If he were to represent the City in something he's already been very strongly opposed to and has recommended is illegal, I'm sure that any court would look at him with a jaundiced eye as to where he's going. Since he said it's illegal, how can he stand there and say it's now legal. So, I think he's been more than extremely fair here and we ought to be giving him credit for what he's attempting to do.

As far as this particular piece of legislation is concerned, maybe what has already been intended is the right way. If it's illegal, let's find out early. If it's not illegal, then let's get on with it.

I'll vote for this resolution.

The Chair:

One thing I want to do is see the matter resolved one way or the other. I'll vote aye.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES 1

(MR. ROBINSON VOTING NO)

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Mr. Robinson, Mr. Woods and Michelle Madoff presents

Bill No. 3419 WHEREAS, the City of Pittsburgh has worked diligently for the last twelve years to develop and implement a comprehensive group home-group care facility program; and

WHEREAS, the Department of Planning-City of Pittsburgh, the Mayor of the City of Pittsburgh and the Council of the City of Pittsburgh have worked cooperating with numerous civic and neighborhood organizations to develop an amendment to our zoning ordinance which is a national model for group home legislation in the United States; and

WHEREAS, the community and government concern for this issue reaches far beyond the City of Pittsburgh; and

WHEREAS, the County of Allegheny has addressed similar issues relative to group treatment, group care and rehabilitation institutions, and their decisions will impact upon the residents of our City.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor

and the Council of the City of Pittsburgh, on behalf of the citizens of the City of Pittsburgh, will not approve the establishment of any additional group homes or group care facilities funded by the county or the state until such time that the Commissioners of Allegheny County establish a mutually agreeable procedure to jointly address the issue of group homes and related institutions in our City and Allegheny County.

Mr. Woods moved to adopt the resolution.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'd just like to give one point of clarification and Mr. Woods can correct me if I'm wrong. The intent of this resolution is to try to get some balance between the County and the City's responsibilities for group homes so that we don't have more in the City than our situation would dictate; that the County would share some of the responsibility.

Mr. Woods:

I vote aye and I'd just like to add to what Mr. Robinson said. Right now, we have approximately 41 licensed group homes or halfway houses in the City of Pittsburgh. They say there's 22 out in the County other than the City of Pittsburgh. I believe it should be just the opposite.

The Chair:

Is there any discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the resolution passed finally.

Michelle Madoff:

Mr. President, for the record, the next group home, Mr. Woods, if it were to be built in the City of Pittsburgh, would be built in the middle of the Monongahela or the Allegheny. There isn't any other room. They better take the responsibility.

Mr. O'Malley:

I need some clarification concerning all of these resolutions and concerning Mr. Flaherty's legislation to hire a solicitor. A resolution, to my understanding, is just a concensus, the feelings of members of Council. All this discussion today does not make this resolution law, that we must hire a solicitor. This is not the law; this is just a concensus of this Council.

Mr. Flaherty:

It's up to the City Solicitor's Office to accept the recommendation which he implied that they would.

The Chair:

In effect, the City Solicitor is the only one that can hire them, Mr.

O'Malley.

Mr. O'Malley:

But what I'm saying is that this resolution is just a consensus of this Council. This is not the law of the City of Pittsburgh.

Mr. Flaherty:

Well, you wouldn't have any law until the ink on the contract is dry between whatever firm the City is going to contract with.

Mr. O'Malley:

So, it's up to the Solicitor to draw up a contract to have this firm represented.

Mr. Flaherty:

Sure.

Mr. Robinson:

Just two quick points, if I might. One relates to a letter I received from the Chairperson of the Human Relations Commission, Mrs. Constance Wellons, concerning Council's action to request that the Port Authority name the new busway in honor of Dr. Martin Luther King, Jr.

The last paragraph reads: "It is our hope Council will act to renew efforts to name an appropriate public street, park, or facility in the name of Dr. King."

The Commission was somewhat disappointed that we did not take action to name some public street or facility here in the City but they are supportive of our efforts to get Port Authority to move in that direction.

I'd like to have a copy of this letter entered into the record.

(LETTER - COMMISSION ON HUMAN RELATIONS)

July 15, 1983

The Honorable William R. Robinson
Member of Council
City of Pittsburgh
Fifth Floor, City-County Building
Pittsburgh, Pennsylvania 15219-2464

Dear Mr. Robinson:

The Commission on Human Relations has noted with great disappointment that Council did not act to memorialize the name of the late Dr. Martin Luther King, Jr. by naming an appropriate public street or facility in his name.

While we have sent a general expression of support to the Port Authority Board for its efforts to date in this matter, it is our firm conviction that the City needs to act favorably to honor the name and memory of Dr. King.

It is our hope Council will act to renew efforts to name an appropriate public street, park, or facility in the name of Dr. King.

Sincerely,

Constance Wellons
Chairperson

CW/JEG/jr

(END OF LETTER)

The last comment I have relates to the potential foreclosure on the Phoenix Hill Shopping Mall by the Urban Redevelopment Authority. I'm sure Council is aware that that foreclosure is

imminent and probably will take place in September. While I don't necessarily agree with foreclosure as the means of solving some of the problems there, I certainly recognize URA's position as our agent to protect our interest because there are monies that are owed to the City of Pittsburgh and I certainly want to thank them for moving swiftly to protect our interest. But there is a community concern that the original intent of Council's support and the Mayor's support of that project be maintained. It's my understanding in October the URA, after they have title to the property, will secure an operator for the supermarket portion and then within 120 days they will select a new owner of the total complex. It's the community's understanding that from the very outset, this City's support of that project certainly was to make sure there would be some community ownership and operation as well as to further some of the goals that this City has established in terms of neighborhood economic development.

I think it would be appropriate for Council to get a letter from the URA outlining for us what process or procedure they are going to initiate to turn this facility over to a new owner and whether or not they will be able to address the concern that many residents have that neighborhood residents have an opportunity to be a part of the equity, ownership, in this mall and that that process be one that can be identified and that people will know how they should go about applying to URA or making their intentions known that they'd like to be come the new owners.

I say this because I don't believe that the URA is insensitive to the issue of neighborhood ownership nor do I believe they're insensitive to trying to stick to the original intention of this City's support of that project.

If we could get some clarification in writing, I think it would be helpful to all concerned. Thank you.

The Chair:

Thank you.

Michelle Madoff:

I would like to congratulate Pete Vaughn. He went to a meeting and he wrote a note thanking us for allowing him to attend the Municipal Finance Officers Association Annual Conference held in Toronto, Canada and in just a page and a half outlined what he had learned and what he worked on. If everybody that we okay funds for for travelling did that, I would feel a lot better about it. I think he did a very good job.

The Chair:

He didn't bring us any souvenirs.

Mr. Flaherty:

Mr. President, I was wondering if we could call a post agenda for this Wednesday in regard to the City Department of Personnel's recommendations regarding an outplacement employment program for CAP employees. Could we have Melanie Smith there and there will be negotiators from the CAP employees and could you also ask Jim Henry, Executive Director of the Hill House to also attend. Thank you.

Mr. O'Malley moved to excuse Mr. Givens for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff moved to approve the minutes from Monday, June 27, 1983, Tuesday, July 5, 1983, and Monday, July 11, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, July 25, 1983

No. 30

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, July 25, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Mr. Givens

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3420 An Ordinance amending Ordinance No. 21, effective July 11, 1983, entitled, "An Ordinance providing for the notification of plant closings, reductions or relocations.", by making various changes.

Which was read and referred to the Committee on Finance.

Mr. Flaherty moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Mr. O'Malley:

I. received a copy of the amendments Friday, I believe it was, and I'm not sure any other member of Council have received the amendments yet.

Mr. Perry:

I haven't passed them out.

Mr. O'Malley:

In other words, no other member of Council received the amendments and you're asking for suspension of Rule 8 which would bring it up this Wednesday.

Mr. Flaherty:

Yes, that would give you two days.

Michelle Madoff:

It takes twenty minutes at the most.

Mr. Flaherty:

Yes, it only takes a few minutes.

Mr. O'Malley:

I disagree with that.

Mr. Flaherty:

They're primarily technical amendments and it is of great urgency to have these amendments included because I'm sure that all members of Council are aware of the pending court action. I know, Councilman O'Malley, you were in opposition to the plant closing notification bill but I would hope that you would see perhaps in one quick perusal of the proposed amendments that they were simply of a technical nature and they are essentially just going to clear up some of the inconsistencies and the ambiguities which now exist in the language. If by Wednesday, if you feel that you do need more sufficient time in that you haven't had the time to comprehend the amendments, then perhaps on Wednesday we could talk about holding it.

Mr. O'Malley:

I agree with you, Mr. Flaherty, I am in opposition to the plant closing notification as it is written here. You made the statement that it was legislation for the '80's. I think you're certainly right but I think it's for the 1880's, not the 1980's.

I stated before that the original legislation was a very poor piece of legislation and very poorly written. It's seven pages long, the original legislation. Here I have the amendments that are also seven pages long.

Mr. Flaherty:

The amendment are the whole bill.

Mr. O'Malley:

Mr. Flaherty, when I'm finished. You're exactly right. The amendments are the whole bill. Almost every paragraph, every sentence, has one type of amendment or another. I've been looking it over since Friday and I have my office in the process of going over it paragraph by paragraph so I can see exactly what the changes are.

I'm going to leave it up to my fellow Councilmembers to make the decision, but I'm going to vote no to waive Rule 8 because I think this is the most important piece of legislation that's come up in the three and one half years that I've been on this Council because of the dire consequences it's going to have on the City of Pittsburgh if it passes.

The Chair:

Excuse me, Mr. O'Malley, what difference would a week make?

Mr. O'Malley:

That's what I'm saying. I don't think two days is adequate time for yourself, Mr. Stone, Michelle and the rest of my colleagues to really digest what is in the amendments as opposed to what is in the legislation that has already passed.

Mr. Flaherty:

Mr. President, I don't agree with Councilman O'Malley. I think you can read these over and make up a qualified opinion as to the merits of the amendments in a half hour. As Councilman O'Malley has said, sure it is seven pages because what we have is the entire bill and to facilitate it for all members of Council, we have the entire bill here and we either have brackets around what is going to be deleted or we underline what is added. These amendments are not seven pages. The amendments may only be a page, I don't know, but that is not a significant issue.

As I said, I would hope that if we do have to have a roll call vote that my colleagues would move to waive Rule 8, especially if they have been supportive of the plant notification ordinance because, as I had said earlier, these are simply technical amendments and they are simply to tighten the language in the original bill. There are not any substantive changes. We are not changing the amount of time for the notification nor are we establishing a bureau to administer to an ailing company or corporation.

Mr. O'Malley:

I'd just like to make one more statement. I think Mr. Flaherty realizes, along with my colleagues, when you're dealing with legislation or you're dealing in writing laws, words are very important. Words govern exactly what that legislation and that law specifically states. There is not one sentence or one paragraph out of the seven pages of the original legislation that was introduced that has not been changed in one form or another. So, I disagree with my colleague as he says they are technical changes. Words are very important when we deal with the law, especially a law of

this magnitude.

I would urge my colleagues to take the full ten days to study this. I don't see what the rush is when this piece of legislation, as I stated before, is going to have dire consequences for the City of Pittsburgh. I would urge my colleagues to read this very carefully before they formulate their opinion.

Mr. Stone:

Mr. President, if I may. I have not seen the amendments yet but I'd be remiss if I didn't point out that I sat here and listened when Councilman Flaherty chastised others for not taking, as he said, the six months in which to make the necessary changes, the full time that they had to make changes. He manifested in rather strong emotional language that this bill was legal and he wanted everybody to do it and here he is now making some changes to it. I'm at a loss to understand. What was good for the others should likewise be good for him now. If the others didn't look at it before then why didn't he look at it before? We've been telling these people we're going to do something for them, we've been telling them we have a panacea to all the problems that exist, and here we are right now, we said it was legal, there's no problem, and less than eight days later we have someone coming up with, I haven't seen them, but somebody is saying six or seven pages of changes. If it needs six or seven pages of changes, I think we ought to start looking. It's becoming more crystal clear that when I asked that we send this thing back to look at it so that we do something that gets more toward a legal end.

As you recall my vote, and I want to remind everybody on it, I felt that something had to be done but I did feel the legislation was wrong. I asked tha it

go back to Committee for changes and nobody wanted it to go back to Committee for changes. Here we are right now with some six or seven pages, again, I haven't seen them so I don't know whether they're substantive or whether they're nothing. If they're nothing then we shouldn't waste the time. If they're substantive then why wasn't it done as Mr. Flaherty chastised everybody else during the long six months that existed when this was under consideration by Council. It's not fair to these people to tell them you're doing something and you're doing it wrong.

Michelle Madoff:

Mr. President, my understanding, having talked to the sponsors of the bill, SNAC people who are here in the audience today, is that because the case is going to court and as all attorneys know and even quasi attorneys like myself, that things change. If you're going to try and win a case sometimes you have to do a little housekeeping on the bill, make it more palatable, make it more efficient, and make it more legally binding.

I have reviewed the amendments. I did it in five minutes walking down the hall. What they're doing essentially is saying that if one part of the bill were to be null and void, the way it's written right now, all of the bill would be null and void. They're trying to handle it so that it would be a more responsible bill. I don't think there's a person at this table, even those that voted against it or the person who abstained, who doesn't believe, and has stated publicly, that we need to do something to protect people who have been callously thrown into the streets after giving many years of their life to their jobs. What this amendment is trying to do is to hope to clean it up so that when we go into court we have some

strong legal grounds to stand on. As our attorney member of Council knows, it happens all the time, he changes language in his briefs all the time. It's done constantly. The brief that three of us filed against five members of Council on the fiscal advisor was rewritten four times. That is not unusual. As Councilman Flaherty has stated, I don't wish to speak to him but I think he was quite clear, all he's asking is that if you can be prepared by Wednesday, fine. If on Wednesday you find you need more time, then there's no problem. You're not married to Wednesday. But we want to get on with the legal case and let the courts decide this and not leave more and more people going without jobs all the time without any recourse. That's what it's all about.

Mr. Flaherty:

Mr. President, if certain members of Council feel that they cannot comprehend these amendments within a couple days, then on Wednesday we can talk about holding it for another week. I think that it is imperative, as Councilwoman Michelle Madoff has said, we are under certain time restrictions as far as hopefully being able to enact these amendments because I think it would be a shame for the proponents for the people that had the guts to take a stand one way or the other on the bill. I think it is only right that we continue and if we believe in a plant notification ordinance that we continue to strengthen it and protect it because it is our baby. If we don't, then we continue to try to get a delay and eventually try to kill it. Or if we're in between and we want to abstain again, then we abstain again.

For whatever reasons, I would just hope that we do something and I would just urge my colleagues that if you do believe in what we did here a few weeks ago and if you're really interested in

protecting the measure and if you're really interested in asserting yourself in this City and being a true voice for the working people of this City, then you will not abandon the fight now and let this bill stagnate and be delayed and play into the hands of the people that are opposed to giving a legitimate amount of time to working people before they're terminated.

The Chair:

I think issues are clear and I think the question should be called for on the waiver.

Mr. Woods:

Mr. President, I'd like to add something. Many, many days in Council we invoke Rule 8. Actually, we have more than two days. We can discuss these amendments on Wednesday, we take final action the following Monday, which is seven days. If we don't agree with it in those seven days, then we vote the amendment down.

Mr. O'Malley:

It comes up on Wednesday.

Mr. Woods:

In Committee on Wednesday, final action a week from today. So, we have a full seven days.

The Chair:

Voting on a waiver certainly isn't final action.

Roll call vote.

Mr. Flaherty:

I support the amendments, Mr. President, and I honestly think that the

people that are for plant closing are going to vote, hopefully, to have as quick a resolution as possible on this and those who are opposed to the concept of plant closing notification will vote to continue to stall the measure.

Mr. Stone:

I'm voting to waive Rule 8 but it does not take away, in any respect, from what I just said. I think those proponents who pulled the wool over everybody's eyes by saying that this bill was 100 percent legal when the City Solicitor said it was not and that they rechecked with their lawyer and their lawyer said that what the City Solicitor said was incorrect and manifested very strongly and emotionally with a full packed house, in front of a full gallery, that they were right, and now they're coming back later, in less than some eight or nine days, and making amendments to it covering some six or seven pages. It seems to me if anyone hasn't opened their eyes here before, they had better start opening their eyes as to where we're going. The worst thing you can do with people who are not working is to pretend to help them when really you're not. The worst thing you can do is pass an illegal act so that they think that they've got hope when actually they have nothing. We should not be giving them fool's gold, as I said earlier.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. Robinson

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 7

NOES 1

(MR. O'MALLEY VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

No. 3421 Resolution providing for the issuance of a warrant in favor of Crown Builders in the amount of \$1,047.69; Seymour Electric in the amount of \$1,301.00; R.C. Kaiser in the aggregate amount of \$13,650.34; totalling in the aggregate \$15,999.03 for extra work in connection with Vehicle Maintenance Facility, Phase II; chargeable to and payable from LB 82-15 (4-25-15-2050-82) \$8,679.53 and LB 83-14 (4-25-15-0001-83) \$7,319.50, Department of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 3422 Resolution providing for the issuance of a warrant in favor of M. Berger Land Company in the amount of \$4,646.94 in payment for 1982 taxes in connection with rental of space at South 4th and Bingham Streets, chargeable to and payable from Code Account 1361, Miscellaneous Services, Department of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar

day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3423 Resolution repealing Resolution No. 1024, approved October 1, 1982, effective October 14, 1982, providing for a lease of certain property at South 4th and Bingham Streets, 17th Ward, from M. Berger Land Company at certain terms.

Which was read and referred to the Committee on Lands and Buildings.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3424 Resolution repealing Item F of Resolution No. 1368, approved December 31, 1982, for the sale of a 2 story frame house at 814 Walbridge Street to Carole L. Scheib, for the sum of \$1,000.00. Resolution is to repeal and return the hand money to the purchaser.

Also,

No. 3425 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were read and referred to the Committee on Lands and Buildings.

Mr. Flaherty for Mr. Givens presented

No. 3426 Resolution providing for a contract or contracts or the use of existing contracts for renovation of a section of the ninth floor of the City County Building; and providing for the payment of the cost thereof. Cost not to exceed \$925,000.00, payable from the Community Communications Trust Fund.

Also,

No. 3427 Resolution further amending Resolution No. 1155, effective December 2, 1977, as amended, entitled, "Providing for a Contract or Contracts for Professional Services connected with the design for replacement of the Pennsylvania Avenue Bridge and approaches; and providing for the payment of costs thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by \$3,300.00.

Also,

No. 3428 Resolution granting unto the North Shore Center, their successors and assigns, the privilege and license to construct, maintain and use, at its own cost and expense, a Transformer Vault in a portion of the sidewalk of Isabella Street in the Twenty-Second Ward of the City of Pittsburgh.

Also,

No. 3429 Resolution granting unto the Veterans Administration, its successors and assigns, the privilege and license to construct, maintain and use, at its own cost and expense, an electrical vault over a portion of the Brackenridge Street Right-of-Way in the Fifth Ward of the City of Pittsburgh.

Also,

No. 3430 Resolution vacating a 20-Foot Unnamed Way between Meta Street and Altemus Way, approximately 55 feet northwest of Meridan Street, in the Twentieth Ward of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3431 Petition from the residents of Pittsburgh objecting to Warner Cable's rate increase and the lack of service and poor reception.

Which were severally read and referred to the Committee on Public Works.

Also,

No. 3432 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make repairs to a back-hoe loader utilized in the Distribution Division of the Department of Water at a cost not to exceed \$4,400.00, payable from C.A. 1705, Repairs.

Which was read and referred to the Committee on Water.

Michelle Madoff:

There's no way I'm submitting this bill. It's not going to be repaired. I will not submit the bill. What do I do with it?

Mr. Perry:

You have to.

Michelle Madoff:

What do you mean I have to?

Mr. Perry:

It's legislation.

The Chair:

You can hold it on Wednesday, Michelle, or table it.

Michelle Madoff:

But do I have to submit it if the Department Head wants it in? Don't I, as head of the Committee, reserve the right not to submit a bill?

The Chair:

You have to submit the bill but you can table it or vote against it.

Parliamentarian:

You can submit it then make a motion to table it.

Michelle Madoff:

We haven't submitted it yet. Why do I even have to submit it? Why don't I not submit it at all?

The Chair:

By law you have to submit it.

Michelle Madoff:

Why does the law say that I have to submit it? Because the Department Head wants it? Is that correct, Mr. Stone?

Mr. Stone:

If you don't want to present it personally, you don't have to. I'm sure there's eight others —

Michelle Madoff:

I hope there aren't eight other dopes who are going to pay \$4,000 for the seventh time for a seventeen year old back-hoe that you can buy for \$17,000 that's worth \$80,000.

Mr. Stone:

Nobody said they were going to do one thing or the other. The question is whether you present the legislation or not.

Michelle Madoff:

I'm asking whether, legally, I have to present it or it has to be presented by this Council, when a Department Head wants it presented. If not, I want to give it back to them and tell them to buy a repossessed back-hoe.

The Chair:

Michelle, you have to present it or someone has to present it and on Wednesday you can table it.

Michelle Madoff:

Why don't we hold it until I check with them —

The Chair:

Because you can't.

Michelle Madoff:

I'm not sure. I'm not familiar with that section of Council's rules.

Mr. Stone:

Michelle, if it pains you to put it in, I'll put it in for you.

Michelle Madoff:

Don't do me any favors, Mr. Stone. I'm sure you'd be happy to repair a seventeen year old back-hoe for \$4,000. That mentality I don't need.

Parliamentarian:

Have the agent representative —

Michelle Madoff:

And I'm not the agent representative, Mr. Cosentino is. Is that what you're telling me? Thank you.

Mrs. Masloff presented

No. 3433 Resolution authorizing the transfer of Four-Hundred Thousand Dollars (\$400,000.00) from the 1983 Community Development Block Grant Trust Fund, Code Account CDPR, Housing Authority Recreation Salaries, Project No. 4-10-10-0010-83-221-83-10 to the General Fund of the City of Pittsburgh for reimbursement of Salaries and Wages paid to employees in support of the City's Community Development Block Grant Program.

Which was read and referred to the Committee on Finance.

Also,

No. 3434 Resolution providing for an agreement or agreements with various independent contractors to provide instruction in connection with the 1983 Pre-School Program of the Department of Parks and Recreation; and providing for the payment of the costs thereof. Cost not to exceed \$18,000.00, payable from the Special Parks Program Trust Fund.

Also,

No. 3435 Resolution amending Resolution No. 403, effective June 10, 1983, entitled, "Providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the rehabilitation of Riverview Pool;" by correcting the title of the Director of the Department of Finance.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3436 Resolution providing for the letting of a contract or contracts, or for the use of existing contracts, for the furnishing and delivery of a turn-key Envelope of Life Program through the Department of Emergency Medical Services for the residents of the City of Pittsburgh and for payment thereof. Cost not to exceed \$49,500.00, payable from the EMS Third Party Payer Trust Fund.

Which was read and referred to the Committee on Supplies.

Also,

No. 3437 Resolution providing for an Agreement or Agreements with the University Health Center of Pittsburgh/Center for Emergency Medicine for Medical operations direction in connection with the Department of Emergency Medical Services, at a cost not to exceed \$25,000.00, chargeable to and payable from Code Account No. 1421, EMS Miscellaneous Services.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3438 Resolution further amending Resolution No. 1385 and amending Section 10 of Resolution No. 167 so as to adjust several line items and to add in the "Emergency Jobs Bill" fund (\$7.1 million) line items therein. To include the Departments of Personnel and Civil Service and the Department of Environmental Services.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 3439 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of a number of residential properties in the Mexican War Streets Historic District in the 21st Ward.

Also,

No. 3440 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of a number of buildings in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3441 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of

several commercial buildings in the Market Square Historic District of the 1st and 2nd Wards.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3442 Resolution rescinding Resolution No. 904, approved August 26, 1982, entitled, "Resolution approving execution of a contract for disposition of land by and between the URA of Pittsburgh and Seldom Seen Associates for the sale of Block 5R, Lots 100, 150 and 200; Block 16C, Lots 75, 100, 105, 110, 115, and 150; and Block 16D, Lots 1, 3, 8, 10, 50, 79 and 80 in the 19th and 20th Wards of the City of Pittsburgh".

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

I have a question on that. What's the property for and who is it going to? I happen to know some of those properties in the 19th Ward have been giveaways.

Mr. Stone:

They're not going anywhere. They're taken away from who it was supposed to go to.

Michelle Madoff:

I want to know why. I want to know what's happening. There's some big lots out there that people could be getting once we get on the tube with that.

I just wanted to know what it was. I don't want to vote in a vacuum.

Also,

No. 3443 Resolution providing for the issuance of a \$1,153.63 warrant in favor of Pittsburgh National Bank for property damage - dirt and debris entering plumbing fixtures at their East Liberty branch, charging same to Code Account No. 46, Judgments.

Also,

No. 3444 Resolution authorizing the Mayor to issue and City Controller to countersign a duplicate warrant to the same payee in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 3445 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Pennsylvania Department of Labor and Industry for a grant or grants in connection with the Job Training Partnership Act Project or Projects; providing for the execution of Grant contracts and for the filing of requisitions and other data ... administration of the various JTPA programs.

Also,

No. 3446 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a

report of deposits and market value of collateral security pledged by City Depositories to secure same as of June 30, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3447 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Regulations Applicable To All Districts, Chapter 993, Exceptions, Section 993.01(A)(43)(f), by requiring the sponsor to file bi-annually instead of annually with the Bureau of Building Inspection information indicating that the facility continues to satisfy the conditions of original approval.

Also,

No. 3448 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration, Chapter 903, Definitions, Section 903.02(g), "Group Care Facility", and "Group Residence Facility", by excluding residents convicted of or awaiting trial for a felony.

Which were read and referred to the Committee on Planning, Housing and Development.

UNFINISHED BUSINESS

Mr. Robinson:

In reference to Council Bill 3362, which last Wednesday we referred to the Board of Code Review, I'd like to share with Council a memorandum and then offer a motion. This memorandum was sent to me by Paul J. Imhoff who is our Superintendent of Building Inspection and it is in reference to Council Bill 3362.

"I have been directed by Bernard Liff, Chairman of the Board of Code Review, to request the delay in the hearing on Bill 3362. The ordinance requires that the Board meet within 45 days of submission by Council of any proposed additions or changes to the Building or Fire Codes. The deadline for this bill will be August 27.

Our Board already has a meeting scheduled for September 13 at 9:30 a.m. The Board is requesting that Council waive the 45 days and permit the Board to review Council Bill 3362 on September 13, 1983. The feeling is that we could not establish a quorum if two meetings were called so close to each other. Please advise if this is acceptable.

Thank you for your consideration.

Paul J. Imhoff
Superintendent"

In light of the fact that we will be on vacation on August 27 and also the practical problems that the Board of Code Review has with getting a quorum, I'd like to make a motion that we waive the 45 day rule and allow the Board of Code Review to consider Council Bill 3362 at their September 13, 1983 meeting.

Michelle Madoff seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3449

Report of the Committee on Finance for July 20, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3365

A Resolution entitled, "Resolution providing for the issuance of a warrant to William H. Barnes and Anne C. Dill, parents and natural guardians of Benjamin Thomas Elliott Barnes, c/o Wendelynn J. Newton, Esquire, 57th Floor, 600 Grant Street, Pittsburgh, Pennsylvania 15219 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Flaherty for Mr. Givens presented

Bill No. 3450

Report of the Committee on Public

Works for July 20, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3356

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the United States Department of Interior, Office of Surface Mining, and the Commonwealth of Pennsylvania, Department of Environmental Resources, for the purpose of granting the Department of Interior and the Department of Environmental Resources a right of entry into, over and upon certain lands owned by the City in the 31st Ward, and a license and right to install mine drainage piping."

Which was read.

Also,

Bill No. 3381

A Resolution entitled, "Resolution taking, appropriating and condemning by the City of Pittsburgh, for public use, certain property of James Kirk known as Block and Lots 14-N-264, 33-A-212, 33-A-211 situated in the 30th Ward, City of Pittsburgh."

Which was read.

Also,

Bill No. 3382

A Resolution entitled, "Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended by Resolution No. 174, approved March 10,

1983, effective March 24, 1983, as amended by Resolution No. 210, approved March 23, 1983, effective April 11, 1983, as amended by Resolution No. 243, approved April 8, 1983, effective April 20, 1983, as amended by Resolution No. 320, approved April 29, 1983, effective May 6, 1983, as amended by Resolution No. 350, approved May 18, 1983, effective May 27, 1983, as amended by Resolution No. 515, approved June 29, 1983, effective July 11, 1983, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by amending the title of a line item, creating a new line item and adjusting the Summary Totals.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

I would like to ask that Local President Charles Black and Carl Scherdher if I pronounced it correctly, Chairman of Division A, please join me.

Mr. Perry is preparing a formal resolution in a frame and we'll see that we get it to you if you give Carmen Gunther, my aide, your address. She'll see that you get it.

Michelle Madoff presents

Bill No. 3451 WHEREAS, a labor dispute exists between Equitable Gas of Pittsburgh and Local 12050 of the United Steelworkers of America (USWA) that resulted in a strike which began February 8, 1983, by 565 workers; and

WHEREAS, the climate for a settlement is not apparent when Equitable Gas cancels bargaining sessions scheduled by a federal mediator, threatening public safety and gas service to some 243,000 gas users in and around the City of Pittsburgh; and

WHEREAS, the strike has caused Equitable Gas to not provide gas leak repair service as required to protect public safety, and a 16-inch main gas line along Sixth Avenue between Grant and Wood Streets cannot be removed as needed to allow completion of subway and street construction; and

WHEREAS, a state Public Utility Commission report reveals Equitable Gas has the highest number of customer complaints among the state's six major gas companies, but a recent PUC order approved a \$41.4 million rate increase request of Equitable Gas, while the company has saved more than \$8 million in labor costs during the current strike;

and

WHEREAS, Equitable Gas is treating its customers and workers with equal scorn by not providing necessary gas service at the lowest cost and an unwillingness to reach a negotiated agreement with its workforce.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Pittsburgh City Council call upon Equitable Gas to immediately begin negotiations to seek a settlement with the negotiating representatives of Local 12050 of the United Steelworkers of America.

Michelle Madoff moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Mr. Stone:

Michelle, I have a question on that. I don't have any problem with the general intent here but we are using some rather strong language. In the third Whereas, because of the strike they can't get to it or is it Equitable Gas not wanting to do it?

Mr. Black:

Right now, there is 565 members in our union and they're working with approximately 95 supervisors maintaining that kind of work.

Mr. Stone:

My question is a little more pointed. Relative to that problem that exists at Grant and Wood, are they not doing it or is the strike preventing it?

Mr. Black:

They are not doing it because, I believe, they don't have supervisors qualified to do that. That's my belief.

Mr. Stone:

Okay.

Michelle Madoff:

I don't think it really matters. The end result is that they're not doing it. I think that's what you would want to see done. You want to see it done, I want to see it done.

Mr. Stone:

The only problem is, Michelle, believe it or not, in some of these statements we're getting close to what might be libelous. We're saying they're injuring public safety.

Michelle Madoff:

They certainly are and I'll stand by that. May I remind you what happened to West End-Elliott in the hearing we had with the people and the water leaks?

Mr. Stone:

Everybody knows that I don't have any love for Equitable Gas so let's just stop there, okay?

The other one is, and I wonder whether this kind of embellishment is necessary when we're trying to solve a labor problem, and that is that they're treating its customers and workers with equal scorn.

Michelle Madoff:

They're not negotiating so what

are they doing?

Mr. Stone:

What's that got to do with the customers?

Michelle Madoff:

If you don't negotiate you won't resolve the problems and you cannot treat your customers the way they should be treated.

Mr. Stone:

I think the thing we're after is that we want them to go back into bona fide negotiations to end the strike. I think that has more substance and more meaning and some of the side issues tend to take away from it.

Michelle Madoff:

I don't think it does. I think you cannot ask for a resolution and press for the urgency without giving reasons.

For example, do you recall that in West End-Elliott we had the problem where they had exhausts? They still have them in West End-Elliott. They still have pipes. People came to this hearing very distraught. I'm ashamed of the Council that existed at that time that would not come up with a mere \$5,000 when we couldn't determine whether the villain or the plot was the City who caused the gas leak or the water leak or whether it was the gas company, Equitable, that caused our leak. We should have taken that of Council funds. It was a mere \$5,000.

The Chair:

Michelle, stay on the issue.

Michelle Madoff:

I am staying on the issue. I'm pointing out that Equitable is an irresponsible company compared to other companies. I have no love for them. I have been at hearings myself where Equitable's P.R. person got up and when I questioned the fact that we had so many gas leaks in the West End area, the idiot representing Equitable Gas got up and said, "We have leaks all over the City", like they're proud of it.

The Chair:

Excuse me, we're going to vote on this motion. We're making a farce out of it.

Michelle Madoff:

We're not making a farce out of it. We're trying to explain why we have this resolution and why we feel so strongly about it.

The Chair:

Roll call vote on the resolution.

Mr. Flaherty:

I vote aye and I believe that all of the Whereas in the resolution are in order. It's important to keep in mind that Equitable Gas is the public utility. It's important to keep in mind that this Council is the public legislative body which is concerned with public matters and I have to agree with Councilwoman Michelle Madoff that the language in there regarding concern for the public's safety, concern for the public's expenditures, which are certainly, or possibly if not certainly, possibly are being impacted by Equitable Gas' lack of resolve to sit down at the bargaining table is certainly a concern of this Council and this Council should take a

responsible stand on it.

Mr. O'Malley:

I agree with Michelle here that Equitable Gas certainly has a responsibility to the safety of the residents of the City of Pittsburgh and I also stand in line with the union here that Equitable Gas has an obligation to negotiate in good faith.

I support the resolution.

Mr. Stone:

I think everybody knows that I don't have any love for Equitable Gas and nobody has attacked them more than I have in the past. I don't object to any Councilman making any remarks that they want to make but I think there is a principle here that needs to be upheld and that is that we should not, in resolutions, be embellishing to the point that we are going afiel from that which is the intent of the legislation.

For that reason, I vote no.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. DePasquale
(Pres't)

AYES 6

NOES 1

(MR. STONE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Michelle Madoff:

May I address the issue now? There are 95 supervisors doing the work of 565 gas service workers. It is not humanly possible to fill that role. They had been ordered under law to meet and they have been very disdainful with a public-be-damned attitude. They have received a \$41.4 million rate increase, that's a matter of public record in the media, and the fact by not having the people out working there is an \$8 million saving and there's no question in anybody who has an environmental background, if you check it out, that that is a danger to public safety. I don't think there's anything in this resolution that isn't fact and would not stand on its own merit and, Mr. Stone, may I point out that the resolution says, "Therefore be it resolved, that the Pittsburgh City Council and the Mayor call upon Equitable Gas to immediately begin negotiations to seek a settlement with the negotiating representatives", and obviously that would be in good faith and I don't think there's anything wrong with that.

Mr. Stone:

Michelle, if I may just clear it up a little bit. I have no objections to the last resolve. The first resolve is not necessary and I think it goes further than is possible and I don't think we should attempt or border in getting close to slanderous and libelous material in our efforts to do good.

I said earlier it's a principle that I think we should watch in resolutions. We have no license to be taking off on

people. Even though we want to solve a labor dispute, there's no question that everyone wants all parties in a labor dispute to enter into bona fide negotiations. Equitable Gas, perhaps, should have done that a long time ago but, nevertheless, I think we ought to restrict ourselves to bona fide negotiations.

Michelle Madoff:

These are bona fide statements here and truth is its own defense.

Mr. Black:

My name is Charles Black, I'm President of the Local 12050 of the United Steelworkers of America which represents the Equitable Gas Company employees.

This strike has been going on into its sixth month. No longer do we feel that it's just a workers' strike. We haven't felt that way for quite some time. We believe the public's safety is involved. We believe that the 95 supervisors that are currently doing the work that we were doing are not that qualified and absolutely not expertise enough to do the work that our members provided for the gas company customers.

Fortunately, there has been nothing seriously major that's happened to any of the consumers since we've been out on strike but that could happen any day. Every attempt made by the union to resolve this strike, we've had 22 negotiation sessions since February 8 in efforts to resolve it, we've bent over backwards trying to resolve the issues and every time we come close it seems like the company feels that they've had them out this long so let's get everything that they want.

There just seems to be no

compromise. Our efforts have been fruitless and we are appealing to the City Council for any help that you may be able to give us. We would sure appreciate it if some action could be taken to get the company to negotiate fairly and keeping the consumers in mind as well as the 565 members that have been without work for six months.

Michelle Madoff:

I would also like to recommend that this resolution and transcript of the dialogue sent to the PUC Chairman. The company is only going to respond if it has public pressure and enough where it hurts and where they get their \$41 million is influenced. I want to see that the PUC has the comments of this Council today.

Mr. Black:

I'd like to thank City Council for taking an interest in this issue.

Mr. Scherdher:

My name is Carl Scherdher of Division A which takes care of the City and the surrounding communities.

The only thing I'd like to say is that since we've been on strike we've been trying to monitor their calls and keep reports on where they go and when they leave the shop in the morning from our division. To the best of our knowledge, 99 percent of their work is new service. We've installed over 50 vents that we know of and we're only talking about what they leave with since this strike has begun in the City and the surrounding communities. None of the leaks have been repaired. In my own neighborhood alone, which is in Carrick, we have a 60 percent gas leak in front of a church, St. Basil's Church. It has three vents sitting in front of it, they have been there for over five months and

there has been no attempt whatsoever since this strike began to repair that leak or do anything about it and it has not been checked since the day the vents have been installed.

As far as the 16' mainline which they have to run from Grant Street down to Wood, our union has no intention whatsoever of letting the company personnel install that main while there are union people working that job.

We just want to bring this to your attention. Thank you.

The Chair:

Thank you, gentlemen. Thank you very much. Let's hope that this resolution certainly can resolve this strike. I didn't realize it was that long.

Mr. O'Malley presents

Bill No. 3452 WHEREAS, Pittsburgh has one of the finest police departments in the country and therefore it is the responsibility of the City of Pittsburgh to maintain a continuous educational and physical format for its officers; and

WHEREAS, being a police officer is a highly stressful and emotional occupation; and.

WHEREAS, the divorce rate among police officers is higher than the national average which is attributed to the continuous stress an officer receives on a daily basis; and

WHEREAS, the City has a responsibility to these officers to maintain a high standard of excellence.

NOW, THEREFORE,

BE IT RESOLVED, that the City

Council of the City of Pittsburgh urges the Caliguirri Administration to help fund regional exercise facilities starting with No. 5 Police Station so that the officers can maintain the physical standard of excellence.

Mr. O'Malley moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Michelle Madoff:

Discussion. Would you be open to an amendment?

Mr. O'Malley:

Certainly.

Michelle Madoff:

I would like to also suggest that for the police we have an in-house, full time psychologist available. I think the police are under such stress. When they see someone killed, when they witness some of the most horrifying accidents, it has to take it's emotional toll on the people.

If you want to do it as a separate resolution, that's fine, but if we're appropriating funds, why not have like the schools do, they have in-house psychologists for the students. I have talked to a number of the policemen and they would like to have this in a confidential manner where they have somebody they can talk to.

Mr. O'Malley:

I agree with you, Michelle, but I'd like to do this as a separate resolution.

The reason I put this up today is

that my understanding is that they're going to close the second or third floor of No. 5 Police Station.

I think police officers are one of the most valuable resources we have in this City. Once an officer graduates from the Academy, there is no physical standards for them to maintain and there is no facilities for officers to go out and work out their frustration and their stress.

The officers in No. 5 and No. 8 Police Station are putting in their own money, they're buying their own equipment and they're setting up their own exercise programs. I certainly think this should be a responsibility of this Council and of the Administration.

Mrs. Masloff:

Did you say this isn't going to cost the City anything?

Mr. O'Malley:

Certainly it's going to cost the City something.

Mrs. Masloff:

How much?

Mr. O'Malley:

Well, I have Daryl Smith bringing up plans in No. 5 Police Station now, the plans he has to close it up. I'm going to ask an architect to draw up plans to turn that into one of the first regional exercise facilities for police or for firemen.

What we have now is officers at No. 5 Police Station and No. 8 and other police precincts who have pitched in their own money to set up their own physical exercise program. I've talked to

the inspectors and I've talked to the men and a lot of the officers would enjoy, once they came off duty, if they could go up and work out. One of the inspectors have lost 30 pounds. I think it's a program where an officer encourages his fellow officers to come in and maintain a physical standard of excellence.

Mrs. Masloff:

But you have no estimate of how much this is going to cost?

Mr. O'Malley:

No, but when I draw up the legislation I'll present that to this Council.

Mr. Stone:

It's going to have to come up at budget time but I agree with your intent here. There's no question that the City of Pittsburgh, even with the outlay of money, will gain a benefit in return. The officer will be more able to function in an emergency situation, will be in better shape, will have longer life, and we won't have to go through having training situation. It's on the right track, in my opinion.

Mr. O'Malley:

I think we're overlooking the important thing here. We pay out hundreds of thousands of dollars in compensation for every police officer that's hurt on the job. Most of them are officers that are hurt because of strains because of back problems caused by overweight. Where we can save the one compensation case would fund one of these exercise facilities.

The Chair:

How does this help the divorce

rate?

Mr. O'Malley:

All I'm saying is that it might help an officer to work out his frustrations instead of taking those frustrations home.

The Chair:

Thank you.

Mr. Robinson:

Mr. President, I just have two letters that I'd like to have entered into the record. One is from the Urban League of Pittsburgh which supports the Port Authority renaming the East Busway in honor of Dr. Martin Luther King and the second letter is from Womanspace East thanking this Council for our assistance in helping them secure the necessary funds to rehabilitate a building in the Uptown section of Pittsburgh.

(LETTER - URBAN LEAGUE OF PITTSBURGH, INC.)

July 19, 1983

The Board of Directors
Port Authority of Allegheny County
c/o The Hon. James A. Romanelli,
Chairman
Beaver and Island Avenues
Pittsburgh, PA 15233

Dear Mr. Romanelli:

I am writing this letter to add the endorsement of the Urban League of Pittsburgh to those you have already received in support of the naming of the new East Busway after the late Dr. Martin Luther King, Jr.

As you know, during his brief

adult life, Dr. King worked tirelessly to bring about love, peace and unity among all people. For this reason alone, this proposed memorial is fitting. Yet, as we consider this proposal and elicit your positive response, we are reminded that it was an incident on a bus in the South that was the impetus for the Civil Rights movement. We remember Rosa Parks who, after working all day, was tired and refused to move to the rear of a bus which she boarded to go home. Little did she know that this one action would light a spark and change the course of racial policies in this country. The rest, of course, is now history which has recorded that a young man — Dr. Martin Luther King, Jr. — accepted the call to organize and lead the black community against longstanding racist policies, including the desegregation of public transportation. His efforts to achieve equality and peace were accorded one of the world's most prestigious awards — the Nobel Peace Prize.

As Dr. King had a dream that, one day, all people could live, work and yes, even play together, in an atmosphere of peace, so did our leaders here have a dream that neighborhoods of our city could be brought together via rapid transit. Our new Busway is the fulfillment of that dream and we are proud that such a structure exists which is so appropriately symbolic of the ideals for which Dr. King stood.

The members and staff of the Urban League of Pittsburgh join me in urging your approval of the naming of the Martin Luther King, Jr. East Busway.

Sincerely,

Arthur J. Edmunds
Executive Director

AJE/ec

cc: Eugene DePasquale
William Robinson

(END OF LETTER)

(LETTER - WOMANSPACE EAST, INC.)

July 22, 1983

Councilman Wm. R. Robinson
5th Floor
City County Building
Pittsburgh, PA 15219

Dear Councilman Robinson:

On behalf of members of the Womanspace East Inc. Board of Directors and staff, I am writing this letter of "Thanks". Recently you sponsored a resolution recommending City Council to approve a grant in the amount of \$50,000 to purchase property at 2001 Fifth Avenue.

As a result of your support, Womanspace East is expanding its shelter program. The property, a twelve unit apartment building owned by URA, will be used to house homeless women and children.

Although it has been thirty (30) days and we are still waiting final approval, your sincere interest in working with community agencies is quite evident. Your concern solidifies a good working relationship.

Thank you for a favorable decision.

Sincerely,

Helen V. Hull
Executive Director

hh/bf

(END OF LETTER)

Mr. Stone moved to excuse **Mr. Givens** for absence from the meeting.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, August 1, 1983

No. 31

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, August 1, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

ABSENT:

Mr. Givens
Mr. Stone

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff presents

Bill No. 3544 WHEREAS, the U.S. Senate and the House of Representatives adopted a Joint Resolution designating August 3, 1983 as Paralyzed Veterans of America Recognition Day; and

WHEREAS, the President of the United States will issue a similar proclamation; and

WHEREAS, the Tri-State Chapter of the Paralyzed Veterans of America is an organization formed by and for the most seriously disabled in the world, devoting its life and effort to every problem of each paraplegic regardless of race, creed or color; and

WHEREAS, the best mirror of Pittsburgh's strength and endurance are the handicapped and disabled citizens who contribute much to the quality of life in this great city through their talents, abilities and dedication.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby join the many interested groups and organizations in designating August 3, 1983 as Paralyzed Veterans of America Recognition Day and commend those persons in our society on whom life has bestowed the additional burdens of being handicapped and hope that their will and determination will serve as an example for us to live courageously in the fact of seemingly insurmountable problems, and inspire us to live together

in dignity and in love.

Michelle Madoff moved to approve the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

William Monfredo,
Chapter Service Director of the Tri
State Chapter of Paralyzed Veterans of
America:

On behalf of all the Paralyzed
Veterans, I wish to thank City Council
for this award. Thank you.

The Chair:

Thank you, sir.

Also,

Bill No. 3545 WHEREAS, on
August 11, 1983, a group known as Legal
Advocacy for Women will participate in
a Prayer Rally in Market Square at 7:30
p.m., in protest of the high occurrence of
delinquent child support payments; and

WHEREAS, the group presented
Common Pleas Court's Family Division
with a petition bearing the signatures of
over 6,000 persons, calling for stricter
enforcement of support payments; and

WHEREAS, there were over 3,800
civil contempt hearings last year, and
the local courts have certified that there
have been 2,561 cases amounting to \$7
million in unpaid support monies; and

WHEREAS, many of these
mothers have to work two jobs to support
their children and most of these women
can qualify only for minimum training
jobs that do not provide medical
benefits; and

WHEREAS, these absent fathers
must be made to realize the importance
of paying their obligation, and the
serious consequences of failing to do so.

NOW, THEREFORE,

BE IT RESOLVED, that the
Members of Pittsburgh City Council
hereby recognize August 8 to August 14,
1983 as "Support Your Child Week", to
draw attention to the serious problem of
delinquent child support, and to urge the
courts to impose stricter enforcement of
these laws.

Michelle Madoff moved to adopt the
resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

I would like to make a comment
on this bill. I have numerous friends who
are in my age bracket, and I will confess
that I'm over twenty, who really are
having a very bad time. Many of them
were married to well-to-do people. They
don't have enough money to put bread on
the table or shoes on their children and
their husbands drive around in Cadillacs,
have all the beautiful things in life, not
just the basic needs, put their money i
tax exempts or negotiables, and the wife
can't even prove that he has all these
things because he puts it in somebody
else's name.

The burden doesn't fall just on
women who are burdened with this
problem but on all of us. On men too.
We have to then pick up the deficits and
the tax structure of supporting children
whose fathers don't want to support
them. That, to me, is one of the biggest
disgraces that I've ever seen, witnessed,
or been involved in with my friends and

the problems that they encounter. I would hope that this Council would not just have some rhetoric and support this bill, but we would send this off to the Courts, to the heads of all our Courts in Pennsylvania. I'd like a copy to go to the President of the United States. I'd like it to go to the Legislators from Pennsylvania and I would like to see a movement by this Council to meet with the Judges to see that, maybe the way Larsen was doing it didn't make everybody happy but yeah for Larsen for putting the fathers in jail.

Ms. Rose Palmer:

Thank you, Michelle. I want to announce that the month of August is proclaimed the National Month for Support Your Child here and throughout the nation. It's Senate Resolution 56 and House Bill 273 proclaiming the month of August as National Support Your Child Month.

We had this revised to meet this need here because Councilman Givens had proclaimed May 4 as that week but, much to my sadness, when I tried to call the Pittsburgh Press and Post Gazette to make it known, I was laughed at. They said, "Well, City Council always gives those resolutions so what's the news?" I said, "The news is that it's Support Your Child Week in Pittsburgh." They would do nothing about it. So, we contacted Michelle and we appreciate her revisions of this and proclaiming this coming week as Support Your Child here in Pittsburgh.

As you mentioned, a lot of the burden goes on the taxpayers. Are you well aware that 80 percent of the AFDC cases is due to non-support? These fathers do not support their children. Back there you see two little kids. There daddy is close to \$5,000 in arrearages. He has an 18-wheeler, Mac truck, he's an independent trucker, a Cadillac, and

supporting another woman and her daughter, but he cannot support his own two children.

Seven years ago if somebody would say, "Rose Palmer, you're going to be having a group for women going through separation and divorce", I would have laughed. You see, I was a doctor's wife. We went from a doctor's wife to poverty level for three years. He backed me into a corner. My daughter called her daddy begging him for money for a refrigerator. We lived for three months without a refrigerator, summer months. He said, "It's your tough luck".

My nickname is Slugger. I'll give you one reason. I became very angry and upset. I went over to the hospital where he is the Assistant Administrator and I let him have one. I really did. You back us into a corner and we're going to come out fighting. We're tired of being stepped on. Our children are hurting and what are you going to do about it? What is anybody going to do about it? Does anybody care? These are the future adults of tomorrow, future Senators, future President, City Councilwomen, Councilmen. Are they going to be more angry for what they're going through or are they going to be more loving and caring as adults because of what they're going through?

It's up to us to do something and I'm asking, please help us with our children. God bless you and thank you.

Michelle Madoff:

I just want to set the record straight, Rose. My ex-husband and I are very, very dear friends. He is the kind of person who does support my daughter. All doctors aren't bad. I just want to set that record straight.

I also want to point out that it

isn't a matter of what profession they're in, I would like to know all the Legislators in Harrisburg who don't support their children. I'd love to see a run-through. Would you get that list for me? That would be some good ammunition for us to use.

One of the things we have to start doing ladies, or women, is to find out, as we were told by some of the people in the Courts and by some of the top attorneys, is to follow them. See what they're doing, where their money is being spent, and to find out just what you did, that he has a big truck and he has these means and then present those cases. If we have to, we'll all march with you on the Courts. You've got me marching with you.

The Chair:

Thank you.

Mr. Flaherty:

Mr. President and members of Council, I have a resolution here that I was asked to introduce through representatives from the Thomas Merton Center. It is in regard to what is undoubtedly the most pressing issue in this country and probably in the world. That is the quest for peace and the end of the nuclear arms race.

Mr. Flaherty presents

Bill No. 3546 WHEREAS, the nuclear arms began with the dropping of a "small" atomic bomb on Hiroshima on August 6, 1945; and

WHEREAS, over 200,000 people, mostly civilians, were killed and the City destroyed; and

WHEREAS, since that time, the United States has increased and

sophisticated its nuclear arsenal and has been matched by the Soviet Union; and

WHEREAS, the policy of preventing nuclear war by threatening second-strike retaliation has given way to a policy of threatening first-strike war-fighting; and

WHEREAS, the federal government has made these policies in close cooperation with weapons manufacturing corporations, two of the largest of which have headquarters in Pittsburgh; and

WHEREAS, we cannot threaten our adversaries with nuclear weapons without equally threatening ourselves; and

WHEREAS, only citizens acting in concert, can demand an end and a reversal to the arms race; and

WHEREAS, such action constitutes a genuine renaissance, that is a rebirth.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Council of the City of Pittsburgh commemorate August 6, 1983, in remembrance of Hiroshima, and that to this end, Pittsburghers will join hands in a Golden Human Triangle reaching from Westinghouse headquarters to Rockwell headquarters to the Federal Building.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Flaherty:

I would like to present Pat Furey who is going to speak on behalf of the Thomas Merton Center.

Ms. Furey:

I'm here today as a resident of Pittsburgh and a citizen of the world in support of Mr. Flaherty's resolution endorsing the Chain of Life, an event in which the people of Pittsburgh and Western Pennsylvania are coming together to say no to first-strike nuclear weapons, fund human needs, no intervention in Central America. I'd like to speak briefly to each of these demands which are distinct but closely related.

The United States and Soviet Union continue to spend billions of dollars annually supporting the development of weapons which have the capacity not only to destroy each other but to so seriously damage the environment, that the very continuation of the species is called into question. The danger of nuclear war becomes even more imminent as we go beyond a policy of deterrents and now look forward to the deployment of first-strike weapons, highly accurate armaments which have the capacity to destroy the other side's weapons before they are launched. First-strike weaponry is extremely perilous in that it creates a "get them before they get us" mentality which could have disastrous consequences in a crisis situation.

The immorality and tragedy of the arms race are even more apparent when we consider how a staggering U.S. defense budget, \$1 trillion in the next few years, diverts funding from crucial human needs. There were over 25 million malnourished people in this country and 10 million who have never

seen a doctor. Here in Western Pennsylvania we are becoming all too familiar with the indignities suffered by the thousands who are unemployed. Programs to develop and improve health care, education, mass transit and the environment go wanting while we all pay for a wasteful and ever escalating military budget.

Increasingly our concerns extend to the people of Central America. As the United States pursues military solutions to problems deeply rooted in economic and social injustice, we support governments which grossly violate human rights and undermine the peace initiatives of other countries in the region. In the name of peace and freedom we are engaging in war and encouraging oppression.

Over thirty groups and many individuals will be coming together next Saturday, the 38th anniversary of Hiroshima to state these concerns that I've just outlined. We are asking you here today to join with us and with them to say loudly and clearly, "No more Hiroshimas".

Thank you very much.

Michelle Madoff:

May I just add a comment? The one item that you neglected to mention, I'm sure it was an oversight, was that the jobs it created in the arms race do not equal the jobs in the private sector. We are not creating jobs by bombing people. It's better to make love than war.

The Chair:

Seriously, along with a million other troops I was out in the Pacific heading for Japan when they dropped the first A-bomb on Hiroshima. Everybody

obviously felt good because they said the war was going to end and they were going to come home and probably wouldn't have to invade Japan and that's what happened. I wonder today when I think about it if they did the right thing and I guess a lot of other guys have felt the same way, that perhaps it was too big of a price to pay. But they did it and that ended World War II and now we're stuck with it.

Mr. O'Malley:

May I make just one comment on that? I think statistics will prove that if we didn't drop the bomb on Japan it would have cost an additional half million American lives. That was a tough decision to make there.

The Chair:

They said probably even more, Jim, but I'm saying was it worth it because look what we have today. As I said, at the time everybody was happy, at least I was and the guys out there heading for Japan, because they didn't have to take part in that invasion. But you have second thoughts on that bomb today.

Mr. Robinson presents

Bill No. 3547 WHEREAS, the officials of the City of Pittsburgh are charged with the responsibility of providing for the public health and safety of all residents and visitors, as well as, assuring a positive and wholesome atmosphere; and

WHEREAS, there are commonly accepted standards of public conduct, behavior, deportment and performance; and

WHEREAS, public performances and exhibitions often strain and test

those standards; and

WHEREAS, the youth of our City and their parents are entertained by and financially supportive of rock concerts, musical presentations and live stage shows; and

WHEREAS, young people purchase the vast majority of records sold in the United States and minority youth purchase forty-five percent of all records sold.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh, on behalf of its citizens, does request and implore the following of concert and live show promoters, as well as performers, who will be performing or conducting business in the City of Pittsburgh:

1. The development of rules and standards in conjunction with the City of Pittsburgh, to prohibit youth under the age of eighteen from purchasing tickets to adult oriented performances without the consent and approval of their parents.
2. The development of a rating system, modeled after the system used by the motion picture industry, which will determine the nature and audience for live performances.

BE IT FURTHER RESOLVED, that the City of Pittsburgh will discourage the use of public facilities such as Three Rivers Stadium, the Civic Arena, and the David Leo Lawrence Convention Center by performers and promoters who show a callous disregard for commonly accepted standards of conduct and behavior.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Michelle Madoff:

I think it needs some discussion. Bill, I'm a little confused. I don't think you can legislate morality. Are you saying that we're going to censure concerts coming into the City? I just don't quite understand the wording. I respect you very highly but I don't want to be in the censuring business.

The Chair:

He's saying to put a rating system on it like they have in the movies.

Michelle Madoff:

Would you clarify that for me, Mr. Robinson?

Mr. Robinson:

First of all, this resolution is not legislation. This is a general resolution similar to ones that we have adopted earlier today. I think that it's important to take note of the fact that while we cannot legislate morality, certainly on numerous occasions in this City, this Council and the Administration has expressed concern about the kinds of performances that exist in our City, particularly those associated with some of the activities along Liberty Avenue. We have moved in those areas, legal and moral, where we felt there was justification to indicate that there's certain types of activities that we'd prefer not to have in the City of Pittsburgh. I think if Council will remember the attempt over the last five and a half years to deal with live sex shows and other kinds of adult entertainment along the Liberty Avenue

area.

I think we will be reminded that certainly this is an issue that many people take serious. I certainly support Mrs. Madoff and her concern about legislating morality. The resolution before Council today is requesting the cooperation of performers and promoters in attempting to continue this City as Someplace Special.

I think that other areas of entertainment do have some regulation. Thank goodness for those that regulate themselves such as the motion picture industry. But I think if we look at the expansion of rock concerts and live performances across the country and particularly in our City, I think all of us recognize that there are some difficulties, some excesses that are taken by certain performers, I think certain liberties that are taken, that maybe many of us shrug our shoulders at. But I don't think we should take lightly the impact on the people in our City and particularly our young people.

So, this resolution is geared for us trying to get some reasonable standards and some reasonable cooperation from the performers and from the promoters. I would hope that members of Council would take this issue seriously and recognize that we do promote this City as Someplace Special, we do try to encourage people to come here and stay here, and I think we do have an obligation to make sure that while they are here that they're not offended. There are a number of people who I think have gone to some of the rock concerts lately in the the City who are aghast and embarrassed at the kinds of performances that are put on by some of the promoters and some of the performers. And I think it goes without saying that many of these people have certainly contacted me and I certainly

feel that this issue should be brought before this Council and I'm one who is willing to say that I don't believe that anything goes in this City and I would hope that this Council would continue to try to create an atmosphere in which those people who come here to perform recognize that anything won't go and that we will at least request their cooperation in trying to put on decent, wholesome, performances.

Mr. Flaherty:

Mr. President, I take the issue seriously and I am opposed to the resolution primarily because I feel that it is too broad, it's trying to cover too much ground. I believe that it is too arbitrary. There isn't any specification as to who is going to set the standards and judge. I also feel that it is impractical.

I can see, to a degree, the rating code used by the motion pictures industry but I think comparing films to rock concerts is comparing apples to oranges. I think that films certainly, in my mind, have expressed more of the violence and more of the sadism of life to a greater degree than I think any rock concert that we have had in this City has. I am not aware of rock concerts causing great peril to anyone. As far as the issue of our youth attending the live sex shows, I am not aware of that. I could support a resolution that was strictly along those lines. I think there is a time, a place and an age for live sex shows and sex in general. But, unfortunately, I have to oppose this resolution as a whole simply because I believe that it is trying to cover too much ground.

Michelle Madoff:

Mr. Robinson, would you be willing to introduce it in a two part kind

of motion? I think that what you've done today is very meaningful because what you've done is call attention to a problem. Unlike my colleague, Councilman Flaherty, I do know there's a lot of problems at rock concerts and we have a lot of dope and a lot of people who just don't want to go back to that rowdiness and fighting and what have you.

But I think the issue boils down to, in my mind, the issue that you raise of grading them so that the parents can decide whether they're going to give their kids the money to go to these things. So, I would like to, if you would, withdraw that one today and introduce it again at a time where we could separate the two issues.

Mr. Robinson:

Well, this is the second time that the resolution has been introduced. It has been changed once. I think that there's certainly nothing in this resolution that's inconsistent with what you have said. I think, unfortunately, that many of us probably don't believe that it is as important to be concerned about what happens in this City in live performances as we do in terms of film performances. I think that if you talk to many of the parents who I have talked to, and even some of the promoters, they recognize that there is a problem and I think that to sweep the problem under the rug and perhaps not address it is not going to be, in the long run, in the best interest of the City.

This Council is aware that the Administration has indicated that they would like to see more live performances in our City as a way of generating income. I think most of us will support the whole notion that we'd like to generate more income in the City. But as we generate that income through

these rock concerts and these live presentations, we will be facing and confronting some of the same difficulties that other cities have across this country.

Regardless of what we might think in terms of what goes on on Liberty Avenue, I don't think there's any difference between our attempt to address the concern on Liberty Avenue and our attempt to address the concern whether it be at the Civic Arena or the Convention Center or at Three Rivers Stadium. To me, it's rather obvious that there are some performances that are adult in nature and I don't believe anyone on this Council would be willing to go with their child to see any of those performance, whether they be on Liberty Avenue or at the Civic Arena.

I believe that most of us understand that there is a very serious attempt to promote this City, to promote it as a well-kept secret, as Someplace Special, and that all the positive things that we can do to encourage people to come here and stay here are being done.

I see this resolution in that same vein. I don't believe that there's anything here that should be offensive to any performer or any promoter and certainly nothing here that is contractually binding anyone to anything and I don't believe we are stepping on anybody's rights. But I think we do have an obligation to defend the rights of those who, often times, are not in the position to defend their own rights.

Mr. Woods:

Mr. President, I stated this before when Bill presented it last week. I see nothing wrong with this. It's just a wish that when you come into this City we wish you would behave in this manner.

We'll try to get the point across this way. If this doesn't work then sometime down along the line here we could put in some type of law. But right it's just a wish like we do every day, like we just wished they quit making atomic bombs, and we wish people would start paying their support payments. It's the same thing. It's nothing legal. We're just hoping you would do this.

The Chair:

Roll call vote.

Michelle Madoff:

Because it calls attention to the problem, I'll vote aye but I would hope that you'd come back, Mr. Robinson, if necessary, at a later time, as Mr. Woods has just said, and come up with a bill that does give us a rating for these shows so that we can prevent some of the tragedies that have indeed happened in other cities.

The Chair:

I'm not opposed to the resolution but I think there's too many restrictions here, especially in regards to getting permission from your parents to buy tickets if you're under eighteen. Obviously, that's going to hurt the gate sale and hurt the ticket sale.

Although I realize it's only a resolution, I have to say no.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff Mr. Robinson
Mrs. Masloff Mr. Woods
Mr. O'Malley

AYES 5 NOES 2

(MR. FLAHERTY AND MR.
DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

Mr. President, for the record, at \$17.50 a ticket you're not going to seat too many people under eighteen. I was at the Simon and Garfunkel show the other night which I'll talk about after we get through our business, but at \$17.50 you don't see too many people under eighteen.

The Chair:

I saw them stay out all night long at Three Rivers Stadium, thousands of them, at \$17.50 per person. They bought those tickets and they didn't have their parents with them.

Now, Michelle, do you have another resolution?

Michelle Madoff:

I think mine is a companion to Mr. O'Malley's. This is on the psychological

Mr. O'Malley:

That will be addressed in the study coming up.

Michelle Madoff:

Do you want to hold it?

Mr. O'Malley:

Whatever you wish.

Michelle Madoff:

Why don't we hold this resolution until the Fall because Councilman O'Malley is working on something —

The Chair:

How does it differ from Mr. O'Malley's resolution anyway?

Michelle Madoff:

Mine is to hire a psychologist.

The Chair:

Mr. O'Malley's dealt with stress too.

Michelle Madoff:

We're going to make it one and the same. Is that right, Councilman? Let's hold it until the first of September.

Mr. Flaherty presented

No. 3453 Resolution providing for an Agreement or Agreements for A/E Services and a Contract or Contracts for construction in connection with the renovation for fire stations at various locations at an aggregate cost not to exceed \$150,000.00, chargeable to and payable from the 1983 CDBG "Emergency Jobs Bill Program" (LB 83-01) "EJB" Renovation of Fire Stations" 4-25-01-1964-83-262-83-25, Department of Lands and Buildings.

Which was read and referred to the Committee on Lands and Buildings.

Also,

No. 3454 Resolution authorizing Carnegie Library of Pittsburgh to submit an application for a grant in connection with Library Services and Construction Act, Title II (Emergency Jobs Bill) for renovation of certain areas within the Central Library in the amount of \$400,000.00.

Also,

No. 3455 Resolution providing for the issuance of a warrant in favor of Carnegie Institute in the amount of \$75,000.00 in payment for construction work furnished in connection with improvements at the institute, chargeable to and payable from LB 83-11 (4-25-10-1985-83), Carnegie Institute Rehabilitation, Dept. of Lands and Buildings.

Which were read and referred to the Committee on Finance.

Also,

No. 3456 Resolution providing for a Contract or Contracts including the use of existing Contracts for the installation of an infrared heating system at the 29th Street Garage at a cost not to exceed \$75,000.00 chargeable to and payable from LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Dept. of Lands and Buildings.

Also,

No. 3457 Resolution providing for a Contract or Contracts including the use of existing Contracts, for construction in connection with renovation of bell block area, Public Safety Building at a cost not to exceed

\$175,000.00 chargeable to and payable from LB 83-07 (4-25-05-0070-83) Station 1 (Downtown), Cell Block Renovation, Dept. of Lands and Buildings.

Also,

No. 3458 Resolution providing for a Contract or Contracts including the use of existing Contracts for construction in connection with renovations of various roofs at an aggregate cost not to exceed \$175,000.00 chargeable to and payable from LB 83-04 (4-25-01-1975-83) Police and Fire Roof Replacement, Dept. of Lands and Buildings.

Also,

No. 3459 Resolution amending Item A-1 of Res. No. 506, appr. 7-1-83 for the sale of 4 lots on Bedford Avenue, 3rd Ward, 9-M-295-297-298 for the sum of \$900.00. Amendment is to correct the date of acquisition which should read July 5, instead of June 6, 1949.

Also,

No. 3460 Resolution amending Item C of Res. No. 506 of 7-1-83, appr. for sale of Hse. at 723 Mathilda Street, 10th Ward, designated as Block and Lot 50-B-223, to Ernestine Jones & Guy Jeffries for the sum of \$1,100.00. Amendment is to correct spelling name of former owner which should read George E. & Loretta S. McCain, not McClain.

Also,

No. 3461 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mrs. Masloff for Mr. Givens presented

No. 3462 Resolution providing for the issuance of a warrant in favor of Nittany Engineers and Management Consultants, Inc. in the amount of \$520.00 in payment for Engineering Consultant Services furnished for the benefit of the City to develop a recycling program for the City's Asphalt Program, chargeable to and payable from Code Account PW 83-01, (4-01-01-0001-83), City Resurfacing Program.

Also,

No. 3463 Resolution providing for the issuance of a warrant in favor of Browning-Ferris Industries in the amount of \$4,267.00 in payment for Rental of Stationary Refuse Compactor Unit and 40 cu. yd. Refuse Containers used at the Second Division - 28th and Smallman Streets, chargeable to and payable from Code Account 1612-5, Rental of Equipment, Bureau of Operations, Dept. of Public Works.

Which were read and referred to the Committee on Finance.

Also,

No. 3464 Resolution providing for an Agreement or Agreements with the Allegheny County Sanitary Authority and the Township of Hampton, to enlarge the area serviced by the Sanitary Authority, so as to include the physical plant and facilities operated by Anvil Products, Inc., located in the Township of Hampton.

Also,

No. 3465 Resolution providing for

an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the backfilling of PPG Place excavation at Third Avenue at a cost not to exceed \$19,000.00 chargeable to and payable from Code Account PW 83-27, 4-01-01-0125-83, Supervision of Quality Control on LRT and PPG.

Also,

No. 3466 Resolution providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the Design of the Rehabilitation of the Monongahela Incline Support Wall at a cost not to exceed \$10,000.00 chargeable to and payable from Code Account PW 83-32, 4-01-30-0400-83, Monongahela Incline - Design and Construction.

Also,

No. 3467 Resolution providing for a Reimbursement Agreement or Agreements with the Port Authority of Allegheny County for the maintenance and/or reconstruction of the exclusive bus lanes in the City of Pittsburgh.

Also,

No. 3468 Resolution further amending Res. No. 1445, appr. Dec. 29, 1981, eff. Jan. 1, 1982, as amended, entitled, "Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program," by redefining the funding sources. Decreasing PW 82-08 Cherry Way between Third and Fourth Avenues by \$161,570.20, and increasing Saw Mill Run Rockslide PW 82-82 by \$161,570.20.

Also,

No. 3469 Resolution providing for

a Contract or Contracts or the use of existing Contracts, for concrete repairs to City Steps, various locations at a cost not to exceed \$80,000.00 chargeable to and payable from Code Account PW 83-24, 4-01-35-0001-83, Construction Division.

Also,

No. 3470 Resolution providing for a Contract or Contracts for the Construction of Walls at Various Locations, including but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goettman Street and Blessing Street; providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the Design for the Reconstruction of the Goettman Street Wall; and providing for the payment of the cost not to exceed the aggregate amount of \$1,635,000.00 chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program" (PW 83-35) "EJB Wall Improvement Program", Project No. 4-01-30-0990-83-260-83-01.

Also,

No. 3471 Resolution granting unto VIOLA and BEVERLY BRENTLEY their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense a sidewalk encroachment in a portion of the sidewalk of 2211 1/2 Webster Avenue in the 1st Ward of the City of Pittsburgh.

Also,

No. 3472 Resolution granting unto Adrian Mazzotta, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, two (2) columns in a portion of the sidewalk at 1314 Fifth

Avenue in the 1st Ward of the City of Pittsburgh.

Also,

No. 3473 Resolution granting unto BallyVeane Associates, 1121-1123 Penn Avenue, their administrators and assigns, the privilege and license to construct, maintain and use their own cost and expense, two vaults and a loading dock in a portion of a sidewalk of Penn Avenue and Mulberry Way in the 2nd Ward of the City of Pittsburgh.

Also,

No. 3474 Resolution granting unto Pittsburgh Plate Glass Industries, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense six (6) electrical vaults in a portion of the sidewalks of the Boulevard of the Allies and Fourth Avenue, in the 1st Ward of the City of Pittsburgh.

Also,

No. 3475 Resolution granting unto the Pittsburgh National Bank, their successors and assigns, the privilege and license to continue to maintain and use, at their own cost and expense, for the duration a portion of the structure, 1816 Warren Street, encroaching in Pitham Street at its intersection with Warren Street, in the 25th Ward of the City of Pittsburgh.

Also,

No. 3476 Resolution authorizing the Mayor and the Director of the Dept. of Environmental Services to establish the "Rodent Control Program" at a cost not to exceed \$300,000.00, through the CDBG Emergency Jobs Bill Program and authorizing all legitimate expenditures for the purpose of employing low-

moderate income persons for the program.

Also,

No. 3477 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to D.M.K., Inc. for an Emergency Sewer Contract in connection with the collapsed sewer within the right-of-way between Rosegarden and Crestview Roads in the 29th Ward, at a cost not to exceed \$36,340.00 payable from Code Account PW 83-17.

Also,

No. 3478 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Richardson, Gordon, and Associates for Professional Engineering Services in connection with the Toxic Waste Investigation at Pier 4 of the Bloomfield Bridge, Phase II, at a cost not to exceed \$23,814.83 payable from Code Account PW 82-12, Bloomfield Bridge.

Also,

No. 3479 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Ram Construction Company for extra work in connection for the Removal of the Rock Slide from Saw Mill Run Boulevard, at a cost not to exceed \$22,421.94 payable from Code Account PW 82-28, Saw Mill Run Boulevard Rock Slide.

Also,

No. 3480 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Casey Company

for Extra Work in connection with the Reconstruction of the Steuben St. Wall, at a cost not to exceed \$43,352.22 payable from Code Account CDPW 80-30, Steuben Street Sidewalk.

Also,

No. 3481 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Brother Richard Emenecker, F.S.C., Superintendent, Bureau of Cable Communications, Dept. of Public Works, to attend and participate in a seminar on pending federal and state cable legislation conducted by the Pennsylvania Intergovernmental Council, on September 15, 1983, in Harrisburg, Pennsylvania. Cost not to exceed \$300.00 payable from Code Account 1661, Misc. Services, Supplies, Repairs, Materials and Equipment.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3482 Resolution transferring \$25,000.00 from Code Account No. 1703, Utilities to Code Account No. 1701, Miscellaneous Services, Dept. of Water.

Which was read and referred to the Committee on Finance.

Also,

No. 3483 Resolution providing for a Contract or Contracts for Filtration Plant Wall and Arch Repair Work at a cost not to exceed \$450,000.00 chargeable to and payable from Capital Budget Account No. WD-83-03 (4-05-30-0002-83), Dept. of Water.

Also,

No. 3484 Resolution providing for

a Contract or Contracts for Purchase and Installation of Valves by Contract at Various Locations, at a cost not to exceed \$375,000.00 chargeable to and payable from the 1983 Capital Budget Account No. WD-83-16 (4-05-25-0001-83), Dept. of Water.

Also,

No. 3485 Resolution providing for a Contract or Contracts for Cleaning and Cement Lining of the 50" Main between Amberson Avenue and Friendship Avenue, at a cost not to exceed \$400,000.00 chargeable to and payable from Capital Budget Account No. WD-83-06 (4-05-10-1020-83), Dept. of Water.

Also,

No. 3486 Resolution providing for a Contract or Contracts for Cleaning and Cement Lining of the 42½" and 42" Water Main in Butler Street, at a cost not to exceed \$1,100,000.00 chargeable to and payable from Capital Budget Account No. WD-83-05 (4-05-10-0100-83), Dept. of Water.

Also,

No. 3487 Resolution providing for a Contract or Contracts for painting of the Herron Hill and Squirrel Hill Water Tanks at a cost not to exceed \$115,000.00 chargeable to and payable from Capital Budget Account No. WD-83-01 (4-05-01-0980-83), Dept. of Water.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3488 Resolution authorizing issuance of a warrant in favor of Jendoco Construction Company in the amount of \$7,848.00 in payment for work at Ormsby Pool & Park, furnished for the benefit of

the City without previous authority of law.

Also,

No. 3489 Resolution authorizing the issuance of a warrant in favor of Murry Park Corporation in the amount of \$400.00 in payment for work performed at Point State Park providing for lights for 4th of July Celebration, chargeable to and payable from Code Account 1801, Misc. Services, Dept. of Parks and Recreation.

Also,

No. 3490 Resolution authorizing the City Clerk to correct clerical errors in community development authorizing legislation that incorrectly reduces authorized amounts in said legislation to the amount actually expended and to further correct any errors contained in project codes.

Also,

No. 3491 Resolution amending Res. No. 1054, eff. Oct. 19, 1982 entitled, Oct. 19, 1982 entitled, "Providing for a lease or leases and/or License Agreement for the use of the facilities at 200 Tabor Street in the amount not to exceed \$8,400.00" to include the parking lot and the Lease and/or license agreement will also provide for improvement by City of the parking lot for community parking and playground use.

Also,

No. 3492 Resolution amending Res. No. 219 eff. April 11, 1983 providing for contracts for lighting installation or replacement at various park facilities by increasing the amount provided from \$50,000.00 to \$112,299.95 chargeable to and payable from 4-10-05-

1480-83 (PR 83-20) Lighting, New or Replacement Fixtures, Dept. of Parks and Recreation.

Also,

No. 3493 Resolution further amending Res. No. 1385 eff. Jan. 1, 1983 as amended entitled, "A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program" by increasing the amounts provided from 4-10-10-0001 (PR 83-11) Rehabilitate Existing Playgrounds and 4-10-05-1480 (PR 83-20) Lighting, New or Replacement of Fixtures.

Also,

No. 3494 Resolution providing for a Contract or Contracts or the use of existing Contracts for the rehabilitation of playgrounds at various locations to be determined at a cost not to exceed \$230,000.00 chargeable to and payable from the 1983 Community Development Block Grant "Emergency Jobs Bill Program" (PR 83-11) "EJB Playground Rehabilitation", Project No. 4-10-10-0001-83-261-83-10.

Also,

No. 3495 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Joseph B. Natoli, Asst. Director/Maintenance, Michael Gable, Maintenance Coordinator, and Phillip Chiorazzo, Repair Supervisor, all in the Dept. of Parks and Recreation, to attend the 1983 Grounds Maintenance Field Day and Workshop on September 14, 1983, at Cedar Creek Park in Westmorland County. Total cost not to exceed \$45.00 payable from Code Account 1801, Misc. Services. Use of City vehicle is also requested.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3496 Resolution providing for the issuance of warrants in the total amount of \$488.20 for the repair and shipping charges of a Western Auto-loading Skeet Trap, chargeable to and payable from Code Account No. 1451, Repairs, Dept. of Police.

Which was read and referred to the Committee on Finance.

Also,

No. 3497 Resolution providing for an Agreement or Agreements with the City of Pittsburgh and Support Our Neighborhoods Action Coalition (SNAC) to identify and promote a Buy Pittsburgh Area Products Campaign. Cost not to exceed \$65,000.00.

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3498 Resolution providing for the letting of a Contract or Contracts or the use of existing Contracts for the purchase and delivery of Computer Equipment for the Department of Emergency Medical Services at a cost not to exceed \$30,000.00 chargeable to and payable from Code Account EMSTPP, Emergency Medical Services, Third Party Payer Trust Fund.

Which was read and referred to the Committee on Supplies.

Mr. Robinson presented

No. 3499 Resolution approving a

Conditional Use under Section 993.01(a) A (7) & (9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for Occupancy of 800 ALLEGHENY AVENUE, formerly The Holy Childhood Building, by the Community College of Allegheny County for Administrative Offices and Clerically Related Offices, 22nd Ward.

Also,

No. 3500 Resolution providing for an Agreement or Agreements with the Pittsburgh Clean City Committee, a non-profit corporation, for the purpose of administering the lot maintenance and Greenway implementation activities of the Property Management and Maintenance Program at a cost not to exceed \$200,000.00 chargeable to and payable from CP 83-08.

Also,

No. 3501 Resolution authorizing a Cooperation Agreement(s) between the City and the Housing Authority of the City of Pittsburgh for the administration and implementation of the following programs: EJB Crawl Space Program/HACP, and EJB Maintenance Program/HACP, at a cost not to exceed \$960,000.00 chargeable to and payable from CP 83-15, CP 83-16, CP 83-17.

Also,

No. 3502 Resolution authorizing a Cooperation Agreement(s) between the City and the URA for the administration and implementation of the following programs: EJB Housing Counselling; EJB Neighborhood Development; EJB California/Kirkbride Support; and EJB Commercial Industrial Loan Program/PNA, at a cost not to exceed \$1,575,000.00 chargeable to and payable from UR 83-08, UR 83-27, UR 83-28, and URA 83-29.

Also,

No. 3503 Resolution providing for an Agreement or Agreements with Leggs Unlimited, a non-profit corporation, to provide community social services including home chore services and a shopping transportation escort service for the aged, handicapped, and disabled at a cost not to exceed \$100,000.00 chargeable to and payable from CC 83-01.

Also,

No. 3504 Resolution providing for an Agreement or Agreements with the Spring Garden Neighborhood Council to operate a Neighborhood Information and Improvement Program in the Spring Garden Neighborhood at a cost not to exceed \$100,000.00 chargeable to and payable from CC 83-01.

Also,

No. 3505 Resolution providing for an Agreement or Agreements with Urban Youth Action, Inc. to operate an educational work-experience program for Pittsburgh Youth at a cost not to exceed \$50,000.00 chargeable to and payable from CC 83-01.

Also,

No. 3506 Resolution authorizing the Mayor and the Director of the Dept. of City Planning to enter into an Agreement or Agreements with the Welfare Rights Organization of Allegheny County to provide counselling to low and moderate income residents of the City of Pittsburgh at a cost not to exceed \$50,000.00 chargeable to and payable from CC 83-01.

Also,

No. 3507 Resolution approving

Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh - Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3508 Resolution authorizing the URA of Pgh. to acquire that property in the 8th Ward of the City of Pgh. owned by Clemens Hohenadel and designated as Block and Lot 26-D-115 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh.

Also,

No. 3509 Resolution approving the sale of Parcel 295 (1229 W. North) in the 21st Ward of the City of Pgh. by and between URA and Manchester Properties Associates for \$20,000.00 Redevelopment Area No. 27.

Also,

No. 3510 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties in the 21st Ward - Redevelopment Area No. 27.

Also,

No. 3511 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties in the 21st Ward - Redevelopment Area No. 27.

Also,

No. 3512 Resolution approving

execution of a Disposition Contract by and between the URA and Tom Mistick and Sons, Inc. for the sale of Block 22R Lots 204 and 206 in the 21st Ward for \$350.00 - Residential Land Reserve Fund (1118-1122 Hamlin).

Also,

No. 3513 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties at \$1,000.00 per dwelling unit in the 10th Ward - Neighborhood Housing Fund.

Also,

No. 3514 Resolution approving a Neighborhood Housing Program Agreement between the URA and Steve Catranel Construction Co., Inc. for housing to be constructed in the 10th Ward of the City of Pittsburgh.

Also,

No. 3515 Resolution approving execution of a Disposition Contract by and between the URA and Steve Catranel Construction Co., Inc. for the sale of Block 50L Lots 196, 198 and 199 in the 10th Ward for \$1,000.00 per dwelling unit - Residential Land Reserve Fund (5202-10 Broad).

Also,

No. 3516 Resolution authorizing the URA of Pgh. to acquire all of the City's rights, title and interest, if any in and to the publicly owned property in the 13th Ward of the City of Pgh. designated in the Deed Registry Office of Allegheny County as Block and Lots: 174-N-175, 174-N-164, 174-N-168, 174-N-237, 174-J-233, 174-J-305, 174-J-304, 174-J-303, 174-J-300, 174-J-112, 174-J-113, under the Homewood South Project.

Also,

No. 3517 Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Eugene and Helen Conner and designated as Block and Lot 80-G-176A in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 3518 Resolution authorizing the URA of Pgh. to acquire that property in the 13th Ward of the City of Pgh. owned by James L. and Naomi Collier and designated as Block and Lot 174-E-123 in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified as blighted by the Vacant Property Review Committee of the City of Pgh. and the Planning Commission of the City of Pittsburgh.

Also,

No. 3519 Resolution approving execution of a Disposition Contract by and between the URA and Gary L. Dunhoff for the sale of Block 20G Lot 21 in the 20th Ward for \$1,950.00 — Residential Land Reserve Fund (1319 Lakewood).

Also,

No. 3520 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties in the 8th, 13th, and 16th Wards — Residential Land Reserve Fund.

Also,

No. 3521 Resolution approving a

Neighborhood Housing Program Agreement between the URA and Solar Inc. for housing to be constructed in the 10th Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Woods for Mr. Stone presented

No. 3522 Resolution providing for the issuance of a \$977.00 warrant in favor of James and Mary L. Whitehouse and Housing Mtge. Corp. for property damage from a fire hydrant damaged by Dept. of Public Works personnel charging same to Code Account No. 46, Judgments.

Also,

No. 3523 Resolution providing for the issuance of warrants in the aggregate amount not to exceed \$2,500.00 in favor of one hundred and twenty-five (125) persons who provide proctoring services for the benefit of the City in connection with the administration of the Dept. of Personnel and Civil Service Commission's 1983 entry level Firefighter Written Examination on November 5, 1983, and providing for payment thereof.

Also,

No. 3524 Resolution transferring the sum of \$5,000.00 from Code Account 1100 - Miscellaneous Services - to Code Account 1099-1 - Premium Pay - Department of Personnel and Civil Service Commission.

Also,

No. 3525 Resolution providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate

income City residents in connection with the 1983 CDBG Emergency Jobs Bill Program and providing for the payment of the costs not to exceed \$1,375,000.00 chargeable to and payable from the 1983 CDBG Emergency Jobs Bill Program, federal funds.

Also,

No. 3526 Resolution authorizing the Mayor and the Director of the Commission on Human Relations to make application for, and accept a grant from the U.S. Equal Opportunity Commission for a grant in connection with Deferral of Employment Discrimination Charges, and providing for the deposit of funds in a bank account.

Also,

No. 3527 Communication from Melanie J. Smith, Director, Dept. of Personnel, requesting permission for Edward Heal, Walter Fortson, Ruth Lucis, and Richard Dailey to attend a workshop conducted by the Pennsylvania Department of Labor and Industry in Butler, Pennsylvania on August 8, 9, and 10, 1983, and the use of a City vehicle for transportation at a total cost not to exceed \$250.00 payable from the CETA Trust Fund.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3528 Resolution providing for the issuance of a warrant or warrants in favor of the vendors listed below in the amounts listed below \$29,142.98 for the payment of Automotive and Radio Parts furnished to the Dept. of Supplies without previous authority of law.

Also,

No. 3529 Resolution providing for the issuance of a warrant or warrants in favor of vendors listed below in the amounts listed below totalling \$26,887.10 for the payment of Automotive and Radio Parts furnished to the Dept. of Supplies, chargeable to and payable from Code Account No. 1129, 1147, 1148, and 1149.

Also,

No. 3530 Resolution providing for the issuance of a warrant in favor of Clayton Covington in the amount of \$516.00. This warrant is necessary to refund the excess collected when his vehicle was auctioned since City Ordinance requires that any funds in excess of towing and storage charges, which are received when the vehicle is auctioned, be refunded to the owner upon request.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3531 Resolution providing for the advertising for proposals for equipment, for use by the several departments of the City of Pittsburgh during calendar year 1984.

Also,

No. 3532 Resolution providing for the letting of Contracts and use of existing Contracts for the materials, general supplies, and equipment by the several departments of the City of Pittsburgh, during the calendar year 1984, and providing for the payment of the cost thereof.

Also,

No. 3533 Resolution providing for the letting of a Contracts and for the use

of existing Contracts, for the maintenance, rental, inspection, or servicing of personal property and for the miscellaneous services in and for any and all departments of the City of Pittsburgh, and providing for the payment of the cost thereof, for the calendar year 1984.

Also,

No. 3534 Resolution providing for a Contract or Contracts or for the use of existing Contracts for the purchase and delivery of two (2) Compressors for the Department of Supplies at a cost not to exceed \$12,500.00 chargeable to and payable from Miscellaneous Equipment, Dept. of Supplies.

Also,

No. 3535 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting permission for Dawn Botsford to attend the Advanced Public Purchasing Seminar and the NIGP/NPI Joint Annual Conference in San Antonio, Texas on August 24-31, 1983, at a cost not to exceed \$1,650.00 payable from Code Account No. 1128, Misc. Services, Dept. of Supplies.

Also,

No. 3536 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting permission for himself and Edward Earnest to attend the NIGP/NPI Joint Annual Conference in San Antonio, Texas from August 27-31, 1983, and to attend an Advanced Public Purchasing Seminar from August 24-26, 1983, at a total cost for the two seminars and/or conferences of \$3,300.00 payable from Code Account No. 1128, Misc. Services, Dept. of Supplies.

Also,

No. 3537 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting permission for Mark Bauer, George Cherry, Richard Gallina, Stephen Kirby, Joseph O'Toole and Joseph Lieb to attend an engine repair school in Cranberry Township on a date to be selected by the Supplies Department, at a cost not to exceed \$150.00 payable from Code Account No. 1142, Misc. Services.

Which was read and referred to the Committee on Public Works.

Mr. DePasquale presented

No. 3538 Petition from the residents of the City of Pittsburgh requesting a public hearing on the proposed amendments to Ordinance No. 21 of 1983, "Plant Closing Notification Ordinance."

Which was read and Council denied the petition for a hearing.

The Chair:

We had a hearing on this plant closing legislation. Now there has been amendments proposed and some people are asking for another hearing. I said to the Chief Clerk that I didn't see the purpose of it or the sense that a hearing was required. That's on the amendments. We had the hearing on the plant closing itself.

Parliamentarian:

I would refer you to Section 320 of the Charter which states, "Citizen's Rights To Be Heard - Council shall grant a public hearing to residents of the City: a) on pending legislation if they deliver a petition requesting a public hearing to the City Clerk no later than three days after notice of the introduction of the proposed legislation signed by at least

twenty-five qualified electors who reside in the City, which included a statement that all petitioners intend to attend the public hearing. Council shall not vote on the proposed legislation until a public hearing is held in response to a properly submitted petition. b) on any matter other than pending legislation providing they deliver a petition meeting all of the above requirements.

I think Section A refers to this particular question.

Mr. Woods:

Mr. President, it says on that petition that they will all appear at that public hearing, all twenty-five people?

Michelle Madoff:

It doesn't matter.

Mr. Woods:

Yes it does mean something.

Michelle Madoff:

Nobody is ever held to that.

Mr. Perry:

It says, "We each intend to attend such hearing".

Mr. Woods:

And they all are citizens of this City? Their addresses are all in this City?

Mr. Perry:

Right.

Mr. Woods:

And they're all registered voters?

Mr. Perry:

Registered voters, I don't know.

Mr. O'Malley:

You don't have to be a registered voter.

Mr. Woods:

Yes you do.

Mr. Flaherty:

Yes you do. A qualified elector.

The Chair:

You make a point, Mr. Woods, but my only concern is do we have to have the hearing or not? I don't think we do.

Mr. Flaherty:

I have a question for the Parliamentarian. The language says that Council "shall" grant a public hearing. It does not say "will" grant a public hearing. It seems to me that there is a question as to if Council is mandated to grant a public hearing on a petition.

Parliamentarian:

Ordinarily, "shall", in this case, is stronger than "will".

Mr. Flaherty:

Well, from my four years experience in Harrisburg as a State Representative, "will" was always stronger than "shall". Could you explain why "shall" takes precedent in a legal sense over the language "will"? Specifically, that language is used for a purpose in the drafting of laws. There is "shall" legislation and there is "will" legislation. This is "shall", not "will". It

seems to me that it can be arbitrary, that it is up to the discretion of Council as to if a hearing will be granted or not.

The Chair:

Very plainly, must Council grant a hearing?

Parliamentarian:

I'd have to research the "shall" and the "will".

Mr. Flaherty:

I think it is a very crucial question. That is just one of the many questions that I have in regard to the petition. Would you agree that the signers have to be twenty-five registered electors?

Parliamentarian:

It so states "electors", so they should be registered.

Mr. Flaherty:

It is my understanding that there is not twenty-five duly registered electors.

Mr. O'Malley:

You would have to be sure of that. You would have to give supporting evidence. Just an accusation like that is not substantial.

Parliamentarian:

It would have to be checked with the polls. The Bureau of Elections, I think, would have registered --

Mr. Flaherty:

I believe the burden of proof

would be on the petitioners.

Mr. O'Malley:

No, it would be the burden of this Council.

Mr. Woods:

I have one more question. On that petition, I believe there are some corporate addresses. If that is a corporate address instead of their home address, then they are not a resident of this City and that petition is not valid. Is that correct?

The Chair:

If the very same people were that concerned, they should have been at the regular hearing. I personally am not going to grant them a hearing. I'm not going to set a date.

Michelle Madoff:

I just got a copy of the petition which, I believe, you did not have time to give to Councilmembers. Is that correct? I think it might interest Council to know that whenever a petition is given to us, we have a contact person. You need someone to respond, to tell the community. This is submitted by Leo M. McDonough, Smaller Manufacturer's Council. As I look down the list, 111 Fifth Avenue, with a signature that came out of Harvard/Yale or something, I don't think he lives there, Mr. Charles F. McCarthy. I understand that a number of the people sitting here today have checked these names in the Election Board and they are not valid City residents. As Sophie points out, there are 34 names and 25 might be valid.

As Mr. DePasquale has said, we had a hearing. They were opposed to the hearing, they had the privilege to be here

an oppose it. The majority of Council voted. We amend bills all the time and we don't go out and have second and third and fourth and fifth hearings. If we were going to break precedence on this because they want to be obstructionists —

This has been very well orchestrated. I know companies that tell me that they've dropped out of the Small Business Manufacturing Association because of this kind of tactic. I wish I could remember some of the names so I could name them.

I think that we have a difference of opinion. We all agree that it should be resolved in the courts. I was going to say this when we vote but I'll say it now. Even if we lose, we have won because we have given the message to industry that they cannot be callous and disregarding of our citizens. If we don't get all of it but we get a piece of it, it's better than nothing. I think the place that we've agreed, good people can disagree in good faith, should be in the courts. There should not obstructionist tactics like this.

The Chair:

Mike, inform them that we're not going to have the hearing.

Mr. O'Malley:

Mr. President, I'll tell you what, I am ashamed, literally ashamed, to be a member of this Council. I've been sitting here on this one piece of legislation for four weeks and this Council has blantly been breaking the law against their own Solicitor's advice and now their breaking the law on the Home Rule Charter which guides this City and our conduct. I can't believe what's happening to this Council. This is a disgrace. I can understand some members of this Council jumping on the bandwagon because a lot of them sit here.

This title, Section 320, says, "on pending legislation". If a piece of legislation has not come to a full conclusion and put into law, I would understand that this legislation is pending since it was opened back up for amendments to be made, seven pages of amendments.

Parliamentarian:

It's still pending.

Michelle Madoff:

I believe the courts threw it out, Mr. O'Malley.

Mr. O'Malley:

Let me finish. If they deliver a petition requesting a public hearing to the City Clerk no later than three days after the notice of the introduction of the proposed legislation, this Council is nitpicking. If you've got proof that there's not 25 valid signatures, put the proof up here. This Council cannot break the rules that govern us.

The Chair:

We had the hearing on the legislation. This is an amendment. We could be having hearings on every amendment if we're going to give into this case.

Mr. O'Malley:

Legislation is still pending as long as there are amendments to be approved. This Council has no right to deny these people a hearing. We have granted hearings on every subject since I've been here, three and a half years. Now, all of a sudden, because it's against legislation my colleagues don't like, they want to deny it. This is a disgrace.

The Chair:

I don't think that's the issue, Mr. O'Malley.

Mr. Flaherty:

Mr. President, if I may respond to what Councilman O'Malley has said, he is completely out of the ballgame. He has this Council has consistently been breaking the law. This Council has not broken the law one time. The only way you break the law is when the court says you break the law.

As far as not agreeing with our City Solicitor, that is just a variation of opinion. The Solicitor's ideas are strictly an opinion, as good as your opinion or anyone else's opinion. That's all it is.

As far as breaking the law, the only court action has been against Mr. O'Malley's position. The court last week threw out the Mayor's request, which Councilman O'Malley supports, threw out the Mayor's request for declaratory judgment.

So, if we're talking about who is in more compatibility with the law, I think the track record on this issue shows without a doubt that we are on the firmer ground.

Mr. O'Malley:

I disagree with that totally.

Mr. Flaherty:

In regard to a lot of the emotionalism that is involved on this issue, Councilman O'Malley says that we are nitpicking. I suppose to a degree we are nitpicking because we are responding to nitpickers. We are responding to a few powerful corporate interests which are using the system to try to stifle the

creative legislation that duly passed this Council, to stifle Council's will which overrode the Mayor and to stifle this legislation from being enacted prior to August 15 when it is crucial.

As I have said earlier, we are under the gun on this Council. All I want is to have a clear airing of the issue. I think the opponents of plant closing, and they are just a few individuals, are nitpicking, stretching the law to any degrees that they can to try to be an obstructionist, to try to have this ordinance go to court as not protected as well as it should be.

I think as members of this Council, we can do what we want with five votes. And with five votes, we can override the opinion of the Solicitor. I move that we on this Council, keeping in mind that we already had one public hearing on the issue of plant closing notification, not to mention a very public meeting that was attended by hundreds at the Gold Room also, not to mention the fact that these amendments are strictly technical amendments and they are just asking for a hearing simply to be an obstructionist and to delay the hearing knowing that we can't have a hearing until September, it's virtually impossible to have a hearing before our August 15 day in court. I would hope that all members of Council would keep that in consideration.

Just to put some icing on the cake for the compelling reasons, I think, now to enact these amendments, there was a press conference held earlier today and I'll read this very briefly. "We, the undersigned labor, religious and community leaders, have appeared at a press conference at the Allegheny County Labor Council today to publicly reaffirm our support for the plant closing notification law." It then goes on to thank the Councilmembers who have

supported the law. Then it goes and says, "Even those Councilmembers who did not vote for the legislation must see that the additional public hearing on the amendments are not needed and are an obvious delay tactic initiated by the Small Manufacturers Council. The Small Manufacturers Council is well aware of the August 15 court hearing on the legislation. We are asking Council to take a final vote on the amendments today and not waste Council's and our time holding an unnecessary public hearing. Thank you." That is signed by approximately 25 leaders of unions, of other labor organizations, religious and community leaders, and it was presented by Mr. Paul Stackhouse who is the President of the Allegheny County Labor Council, AFLCIO.

Mr. O'Malley:

This goes far beyond the plant closing legislation. I think Mr. Flaherty put it as precisely as he could when he said, "As long as we have five votes, this Council can do whatever they want to do." Those are Mr. Flaherty's exact words. If I was Mr. Woods or Mr. DePasquale or Mrs. Masloff, I would be embarrassed. What Mr. Flaherty has said is that if you have five votes, you could have disregard for the laws and make your own.

When we asked for an opinion from our Solicitor and he we are in violation of State Statute 62, this Council overrode that, passed the legislation, overrode the Mayor's veto. Okay, one time you broke the law.

The second time, in our own Home Rule Charter which guides this Council, it's clear and our Parliamentarian says that the legislation is pending.

The Chair:

Yes, but nowhere does it say, at least in her opinion, that we have to hold the hearing.

Mr. O'Malley:

It says right here that you have to hold a hearing, Mr. DePasquale. That's what I'm telling you. If you don't hold a hearing as Council President, then you're breaking the law. It says right here that on pending legislation, if they deliver a petition requesting a public hearing to the City Clerk no later than three days after its notice of introduction of the proposed legislation, signed by at least 25 qualified electors, which nobody has disproved on this petition, who reside in the City which includes a statement that all petitioners intend to attend the public hearing, Council shall not vote on the proposed legislation until a public hearing is held in response to a properly submitted petition.

All I'm saving is that if this is going to pertain to the rules we live by for as long as this Council exists, then it has to pertain to the plant closing legislation, the Garfield/Bloomfield, the South Oakland, to everybody —

The Chair:

In the interest of saving some time, we're going to have —

Mr. O'Malley:

We're talking about the law. We're not talking about saving time.

The Chair:

I'm trying to say I'll admit that the opinion of the Solicitor was a bit ambiguous and I gather that we don't have to have a hearing. You say that we

do. I'm only saying, this is an amendment and if we have a hearing on this amendment, there's nothing to stop us from having a hearing on every amendment that's ever presented to any legislation. The amendment is not legislation, Jim.

Mr. O'Malley:

It's pending. When he opened it back up to make seven pages of amendments, the legislation came back on the books as pending legislation. That's the opinion from the Solicitor.

It's not just the plant closing, Jeep. This is the law that governs the City of Pittsburgh. Because Mr. Flaherty doesn't like a few corporate interests, he wants to disregard the law. Then that says he can disregard the law anytime he feels like he has five votes. This is no joke. Mr. Flaherty cannot blatantly disregard the law every time he doesn't like —

The Chair:

Parliamentarian, am I in order asking for a vote as to whether we hold the hearing or not? It's my interpretation from the Home Rule Charter, the President calls for the hearings and sets the dates. Obviously that's with the approval of Council. Now I'm saying, can we have a vote as to whether to hold the hearing on this amendment or not. Or do I have the right to say there is a hearing or there is no hearing?

Parliamentarian:

You make the final decision, Mr. President. It is my opinion that this says that there should be a hearing. The vote may be invalidated by virtue of Council not having a —

The Chair:

Then it is your interpretation that we should have a hearing, under the Home Rule Charter?

Mr. Flaherty:

Mr. President, this Council is within its right to override any opinion from the City Solicitor's Office.

Michelle Madoff:

From the Mayor's Solicitor.

Mr. O'Malley:

You don't have the right to override the Home Rule Charter, Mr. Flaherty.

The Chair:

We're going to call for a vote as to whether Council wants to hold this hearing or not.

Mr. Woods:

Mr. President, I challenge this petition.

Mr. O'Malley:

On what grounds?

Mr. Woods:

The person who submitted it does not live in the City of Pittsburgh. The address right here, Boulevard of the Allies, Small Manufacturers Association, Leo McDonough who signed it, does not live in the City of Pittsburgh.

Mr. O'Malley:

The petitioner does not have to live in the City.

Mr. Woods:

Yes he does.

Mr. O'Malley:

No he doesn't. It doesn't say so, Ben.

The Chair:

I disagree with you, Mr. Woods. If a person has a business in the City of Pittsburgh I think he qualifies.

Michelle Madoff:

Not under law he doesn't.

Mr. Woods:

If we're going to abide by the rules then abide by all of them.

Mr. O'Malley:

That's right. You've got 25 electors on there that want a hearing and you're denying them the right to have a hearing.

Mr. Woods:

And they don't live in the City of Pittsburgh.

Mr. O'Malley:

Prove it.

The Chair:

Once and for all the Chair rules we are not going to have a hearing.

Mr. O'Malley:

I want an opinion from the Solicitor. I want to know if I can file charges against Mr. DePasquale and my

colleagues for violation of Section 320 of the Home Rule Charter. Mike, I want that up here this afternoon.

I want a roll call vote on this.

Mr. Flaherty:

I beseech you, Mr. President, because this Council can override the opinion any time it wants. Mr. O'Malley talks like he's in third grade by saying "breaking the law of the Home Rule Charter". He acts as if he is --

Mr. O'Malley:

You cannot override --

The Chair:

Mr. Flaherty and Mr. O'Malley, you're both out of order. For the love of God, let's quit acting like maniacs.

Roll call vote.

Mr. Flaherty:

What are we voting on? To override the Solicitor's opinion?

Mr. O'Malley:

No. On the hearing.

Mr. Flaherty:

Okay. I am in opposition to the hearing simply because I maintain that there are not 25 duly elected City residents on the petition.

Secondly of all, the issue I brought up earlier, "will" legislation takes precedence over "shall" legislation. When you "will" do something, that mandates it. When you "shall" do something, that is discretionary language.

Thirdly of all, these were just strictly technical amendments. We already had a public hearing, as was brought out earlier, on the plant closing notification law.

Finally, the law is decided simply and strictly by the courts of this land. No one else says what is law, not a Councilmember who holds this Charter up and says, "This is law, this is dogma". That's what we have the courts for, to interpret. I say it is law, though, that this Council can do whatever they want with five votes. That is law. That's in the State Constitution, that's in our Home Rule Charter. And we can do what we want with five votes. Now, that may not stand up in a court of law but let the Small Manufacturers Council take someone to court and let it be litigated at the respective area and that is in a court of law. Let this Council stick by its committed duty as elected lawmakers to set law and with five votes we can do it.

I am against this hearing. It's obstructionary for a few individuals that want to stifle the majority of this City.

Michelle Madoff:

I'm going to be brief, Mr. President. First of all, there wasn't this uproar and furor from my colleague who supported me, Councilman O'Malley, when at a vote of 5-4 we were overruled in having a fiscal advisor which was certainly in violation of the Home Rule Charter which mandates separation of powers —

The Chair:

Let's not get into fiscal advisors.

Michelle Madoff:

Do you want to make it short or

do you want to draw it out? I'll make it very short if you don't interrupt me.

When we had an issue which was just as important to me, separation of powers and Conflict of interest were not invoked when the rest of this Council decided at a majority vote that they were going to override the four members of this Council, which included Councilman O'Malley. When Mr. Robinson introduced a bill to have our own legal counsel, because I think some of us do not believe that the City's Legal Department represents the will of this Council, it's the old story if I take it out of my right pocket I want a yes answer and if I take it out of my left I want a no answer. My gut tells me this was orchestrated. It was deliberate obstructionism.

You cannot be as vehement about one and not about the other, Mr. O'Malley. I think the decision should be made in the courts and I think that's what our President is saying. I vote aye to deny the hearing.

Mrs. Masloff:

Mr. President, will you tell me this. It's always been the custom that you set the hearings, you decide whether or not we're going to have a hearing. Why is this any different?

The Chair:

Mr. O'Malley called for a vote.

Mr. O'Malley:

I'll tell you what. This is the most blatant display of political arrogance I've ever seen. Mr. Flaherty says that this Council can do whatever we damn well please as long as we have five votes, that we're not governed by the Home Rule Charter, we're not governed by the State

of Pennsylvania, we're not even governed by the Constitution of the United States, according to Mr. Flaherty, because if he has four votes he can do whatever he damn well pleases.

I think he's wrong. I think a lot of time and a lot of work went into the Home Rule Charter. I think members this Council have an obligation to the people that elected us to uphold the Home Rule Charter. Section 320 specifically states that we must give these people a hearing. The issue is no longer plant closing legislation. It's the arrogance of this Council in denying people things that they are guaranteed under the law of this City. I vote no.

Mr. Robinson:

I think that Section 320 of the Home Rule Charter is kind of obvious in terms of allowing citizens the right to be heard and I'd just like to base my vote on a couple of statements.

One, I think Section 320 obviously gives to citizens the right to be heard on legislation pending before this Council and that the legislation that Councilman Flaherty introduced certainly falls into that category. My concern is whether or not the process that we're utilizing is one that will indeed address Councilman O'Malley's concerns, which I think are valid, but I think also the concerns that have been raised by other members of Council also have some validity. I think it speaks to the issue of the process of whether or not the City Clerk who was supposed to receive the petition requesting the hearing, indeed certified that the petition was in order. Nothing has been presented here today which indicates that the City Clerk certified that the petition was in order. So, I have some concerns in that regard.

Second of all, I think that the

process by which this petition is being introduced into Council raises the question of whether or Councilman Flaherty's bill should be referred back to Committee and then the petition properly certified and then we make a decision.

These are procedural matters which I think are very important because much of what we're talking about here today does relate to the procedures that we utilize, not the substance, not the merits of whether you're for or against plant closing. I do notice that on the petition there is a stamp indicating the date and time that the City Clerk's Office received the petition but there's nothing that indicates that this petition has been certified as meeting the requirements under 320. I don't know whether it does or it doesn't —

Michelle Madoff:

When did it come in, Bill?

Mr. Robinson:

It came in on July 28 at about 3:00.

Since it doesn't have any certification documents attached to it, as far as I'm concerned, there's no way for us to validate whether this petition is correct or not. The issue of whether or not we should have a hearing is moot. Until the City Clerk certifies this document, I don't think we have any issue before us. It's unfortunate that this petition was even submitted prior to any kind of certification process because it has, I think, generated an exchange between members of Council that certainly addresses some other issue. As I see it, the only issue before us is whether or not this petition is valid. I don't believe it is valid. I don't believe it meets the test of 320 and I don't believe

that the City Clerk has certified that it does so I'm going to have to vote against a hearing.

The Chair:

If I may, Mr. Robinson, it's pretty obvious that the City Clerk doesn't have the time to check each and every signature on each and every petition. So, as far as certification goes, that's almost an impossibility. If somebody is on there illegally and we can prove it, that's something else. I'm only trying to say that we don't have to certify every petition unless there's a complaint.

Mr. Robinson:

I think we do. I think the City Clerk does have to certify it. The City Clerk cannot simply accept the petition with 25 signatures and then yourself, or whoever is Chairman of the Hearings Committee, submit that bill into Council. I think the Charter, in the explanations attached to the Charter, are rather specific in terms of what the purpose is of citizens being heard. The fact that 320 very specifically says that the individuals must be electors in the City of Pittsburgh, we must have a certification process of some type to assure that the people who are signing these petitions are electors in the City of Pittsburgh. If the City Clerk does not have the time or the staff to do that, then this Council needs to address that concern.

I'll tell you why I'm so concerned at this point. As you know, Mr. President, we've had a number of issues come before us that have ended up in the courts. The records of Council have been subpoenaed in some instances and in some cases we have been instructed by judges to present additional material. This particular issue of plant closing is very emotional, it's very legally

entangled, it's politically complex. I think at all times, we should try to stand on as firm a ground as we can for the integrity of this Council and the City. And that's why I'm now raising this question about the certification. I believe that unless we certify this petition, then those who don't want to have the hearing are going to be in the same position that the Smaller Manufacturers Council are. They're going to be looking for an advantage. I don't think we should be on one side or the other when it comes to procedure. I think we should make our procedures clear to everyone. If you don't meet the procedures, you don't get the hearing. I don't think the Smaller Manufacturer Council met the test. And I don't think the City Clerk in any way has certified that they have and I think it's a moot issue to be discussing a hearing at this point. I'm voting against having a hearing.

Mr. Woods:

Mr. President, I vote against having a hearing also because I challenge this petition and I believe the petitioners are showing a poor way of fighting this bill. By trying to delay it instead of fighting it on the merits of the bill, they come in and try to delay it with a phony petition.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. Robinson

Michelle Madoff
Mrs. Masloff

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 6

NOES 1

(MR. O'MALLEY VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

The hearing is denied.

Mr. Woods:

Mr. President, one more request, if I may, and I hope the rest of my colleagues will agree with this. Would you please, Mike, check this petition out and see how many people are residents of the City of Pittsburgh and that these are home addresses and not business addresses.

Mr. Perry:

Is this going to be on every petition?

Mr. Woods:

Yes.

The Chair:

To check each and every petition it would take six months.

Mr. O'Malley:

You have to make sure there's at least 25. If there is 25 qualified electors, I want to be the first one to know. I am going to enter a lawsuit against my colleagues and you're going to be the first one named, Mr. Flaherty.

Mr. Flaherty:

I'm shaking.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3539

Report of the Committee on Finance for July 27, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3377

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Graybar Electric Company, Inc. in the amount of \$285.00 in payment for a receptacle furnished for the benefit of the City in connection with repairs for the Fire Department Pumper and providing for the payment thereof."

Which was read.

Also,

Bill No. 3378

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Houston-Starr Company in the amount of \$333.25 in payment for construction materials furnished for the benefit of the City in connection with repairs in the City County Building; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3379

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of E.S. Dice Corp. in the amount of \$592.75 in payment for a compressor furnished for the benefit of the City in connection with repairs at the Police Academy; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3385

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company, P.O. Box 4282, Pittsburgh, PA 15203, in the amount of \$56,660.00 in payment for Extra Work furnished for the benefit of the City in connection with City Controller's Contract No. 25557 and providing for the payment thereof."

Which was read.

Also,

Bill No. 3386

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Amoco Oil Company, P.O. Box 10250, Newark, N.J. 07195, in the amount of \$291.50 in payment for purchase of Motor Oil furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3392

A Resolution entitled, "Resolution transferring \$9,000.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, to Code Account No. 1446-1, Investigation Expenses."

Which was read.

Also,

Bill No. 3394

An Ordinance entitled, "An Ordinance appointing a City magistrate to be responsible for Housing Court, City of Pittsburgh, Pursuant to Home Rule Charter, City of Pittsburgh Article II, Section 223."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3395

A Resolution entitled, "Resolution providing for the issuance of a \$1,023.67 warrant in favor of Mark Meadows in settlement of claim for vehicle damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3396

A Resolution entitled, "Resolution providing for the issuance of a \$1,140.00 warrant in favor of Theodore S. Segiel in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3397

A Resolution entitled, "Resolution providing for the issuance of a \$1,885.24 warrant in favor of West Penn Motor Club in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3398

A Resolution entitled, "Resolution providing for the issuance of a warrant to Karyn B. Linder, c/o Berger Kapetan Malakoff & Meyers, 508 Law and Finance Building, Pittsburgh, PA 15219, in the amount of \$5,000.00 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 3399

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Frank F. Conte, Inc. for the cost of repairs made on the air conditioning unit in the Computer Room without previous authority of law."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3400

A Resolution entitled, "Resolution creating a special trust fund entitled, 'Controller's Financial Management Information System' (CFMIS) providing for the receipt and expenditure of funds from said trust fund for expenses incurred in operation of the 'Controller's Financial Management Information System' and providing for the transfer of funds into said trust fund."

Which was read.

Also,

Bill No. 3401

A Resolution entitled, "Resolution providing for an agreement with Price Waterhouse for professional services in connection with the development of a Comprehensive Water and Wastewater Authority Financial Study; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3402

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Department of Housing and Urban Development, for a grant in connection with Deferral of Housing Discrimination Charges (and related activities), HUD-FHP Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving

the HUD-FHP Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account."

Which was read.

Also,

Bill No. 3404

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an accounting firm to provide professional auditing services as required by the U.S. Department of Labor in connection with the Comprehensive Employment and Training Act (CETA) program, and providing for the payment of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3420

An Ordinance entitled, "An Ordinance amending Ordinance No. 21, passed in Council June 27, 1983, entitled, 'An Ordinance providing for the notification of plant closings, reductions or relocations,' by making various changes." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	

AYES 5 NOES 2

(MR. O'MALLEY AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

Is that the plant closing bill?

The Chair:

Right.

Michelle Madoff:

You're voting no and you're not holding a hearing, is that correct?

The Chair:

That's right.

Michelle Madoff:

That's inconsistent.

The Chair:

Holding the hearing has no bearing on how I feel about the bill.

Michelle Madoff:

Okay. I just wanted to see the consistency of that.

Mr. Robinson presented

Bill No. 3540

Report of the Committee on Planning, Housing and Development for July 27, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3438

A Resolution entitled, "Resolution further amending Resolution No. 1385 (Adopting and approving the 1983 Capital Budget) and amending Section 10 of Resolution No. 167, effective March 7, 1983, as amended by Resolution No. 394, effective June 10, 1983, entitled, 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of

Housing and Urban Development for a grant in connection with the 1983 Community Development Block Grant Program', so as to adjust several line items; and to add in the 'Emergency Jobs Bill' fund (\$7.1 million) line items therein; and to include the Departments of Personnel and Civil Service and the Department of Environmental Services."

Which was read.

Also,

Bill No. 3442

A Resolution entitled, "Resolution rescinding Resolution No. 904, approved August 26, 1982, entitled, 'Resolution approving execution of a contract for disposition of land by and between the Urban Redevelopment Authority of Pittsburgh and Seldom-Seen Associates for the sale of Block 5R, Lots 100, 150, and 200; Block 16C, Lots 75, 100, 105, 110, 115, and 150; and Block 16D, Lots 1, 3, 8, 10, 50, 79, and 80 in the Nineteenth and Twentieth Wards of the City of Pittsburgh'."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3541

Report of the Committee on Water for July 27, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3387

A Resolution entitled, "Resolution providing for a contract or contracts for water line relay in conjunction with the reconstruction of the Pennsylvania Avenue Bridge and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3542

Report of the Committee on Parks and Recreation for July 27, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3388

A Resolution entitled, "Resolution providing for the acceptance by the City of Pittsburgh from the Lhormer Real Estate Agency, Inc., of certain property, block and lot 114-H-365, in the 27th Ward of the City of Pittsburgh adjacent to Brighton Heights Park, at no cost to the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3543

Report of the Committee on Lands and Buildings for July 27, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3380

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the installation of an overhead electrical system consisting of four (4) poles and one (1) anchor on City property fronting on Overton Street and Billiard Way, 14th Ward."

Which was read.

Also,

Bill No. 3423

A Resolution entitled, "Resolution repealing Resolution No. 1024, approved October 1, 1982, effective October 14, 1982, entitled, 'Providing for a lease of certain property at South 4th and Bingham Streets, 17th Ward, from M. Berger Land Company, for a term of one (1) month with a month-to-month renewal option, for office space and the storage of vehicles for the Department of Environmental Services, upon certain terms and conditions; and providing for the payment of the costs thereof.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

Bill No. 3548 Communication
from Mayor Richard S. Caliguiri,
appointing Deborah Comay of 2139
Beechwood Boulevard, Pittsburgh,
Pennsylvania 15217, as Magistrate on
City Court for a term to expire January,
1987.

Which was read, received and filed.

Also,

Bill No. 3549 Resolution
appointing Deborah Comay of 2139
Beechwood Boulevard, Pittsburgh, PA
15217 as Magistrate on City Court for a
term to expire January, 1987.

Which was read.

Mr. Robinson moved to hold the bill for two weeks.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Michelle Madoff:

I would move on it right now. Can we? I won't be here and I want to support her. Can we move to vote on her now? I know her very well and recommend her very highly.

The Chair:

You can waive it.

Mr. Woods:

Since she's a new appointee she should be called in to our regular Committee Meeting and talked to. There are some questions I'd like to ask.

Michelle Madoff:

I know her very well and she has my vote.

The Chair:

Thank you.

Michelle Madoff:

I would like to make a formal floor motion that members of City Council be entitled to use the building parking spaces, where the Department Heads are now parking, on the side of the building. My colleagues and I have been discussing this. This would cut down on the use of the chauffeurs which I very, very, very, very seldom use, if ever. I sometimes have to get some medication. They're being used by people who use them to come in and out. I need to go out to see constituents

during the day and I need to have a vehicle handy. But most important, there are two female members of this Council and when the occasion arises when we park in the parking lot under the bridge, on a Friday at 4:30 - 5:00, it is not safe to walk to that parking lot because you could scream your head off and nobody would hear you.

So, I'm asking Mr. Woods, as a gentleman and a scholar, who would have the same concern for his children and his wife, to please support the rest of the Councilmembers who would like the right to park their cars and let Department Heads who are basically males, and if there are any female Department Heads, they also should be allowed to park on the side of the building.

I make that as a motion. Would someone care to second that please?

Mrs. Masloff seconded the motion.

The Chair:

Michelle, you keep alerting these perverts to the spots where they can meet these women.

The Chair:

I might get lucky, Jeep.

The Chair:

Quit telling them where these spots are.

Michelle Madoff:

Can we have a roll call vote on that please?

Mr. Flaherty:

Even though this is a very sexist resolution, I will support it.

Michelle Madoff:

Thank you. I've never known any men to get raped.

Mr. Woods:

I vote no. I don't think we should do that. We don't use our automobiles really, it's a serious issue, as much as the Directors do. They're in and out all day. We are provided with drivers —

Michelle Madoff:

No, we're not. I can't get any. They're always taken when I need a driver.

Mr. Woods:

I didn't interrupt you, Michelle.

Michelle Madoff:

I'm sorry but I must point that out.

Mr. Woods:

I think that we are fortunate to get a free parking space here in town. Anytime I want to go anywhere I can get a driver to take me back and forth —

The Chair:

Ben, it's just a resolution, that's all.

Michelle Madoff:

No, it isn't. It's a floor motion.

Mr. Woods:

I would like some of my colleagues to change their vote. Some of them don't even use the car and they're voting for this issue.

The Chair:

First of all, it's Administration policy and there's nothing we can do if they don't want to do it.

Mr. Woods:

I vote no.

The Chair:

I don't want to see Sophie and Michelle deprived of a space to park.

Mrs. Masloff:

Thank you.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 6 NOES 1

(MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

Next motion. Mr. DePasquale, remember you smiled and laughed and joked with me and I don't want you

saying anything nasty at the next thing I'm going to say.

I want to the Simon and Garfunkel concert for a number of reasons. One, I had never experienced something like that outdoors and I wanted to see what it was like.

Secondly, I wanted to get a feeling for my vote for the Stadium, which was really denounced a great deal by a number of people who felt it was a bad move on the part of this Council, to see whether we really were going to generate some revenue and what kind of turnout we had.

Well, my understanding was that there were 40,000 people. I called and spoke to a gentleman today and voiced my concern about some mismanagement, which I think they will look after. They're new at it and I think this is the second or third concert. It was very, very hot and humid and people were let onto the field, for the first time they had chairs on the field, and they were really let onto the field like cattle. It was a half hour late in the concert starting to give you an idea. People could not find their chairs because they were not marked. But I could live with that. I think that's a correctable problem.

But the thing I cannot live with, Mr. DePasquale, who pays the debt service of the Stadium? Is it the County or the City?

The Chair:

City right now.

Michelle Madoff:

In its entirety. Isn't that correct?

The Chair:

Right.

Michelle Madoff:

How much unemployment do we have in this City?

Mr. Flaherty:

Sixteen percent.

Michelle Madoff:

Do you know that 30 percent of the people working out at the Stadium are non-City residents? I want that stopped immediately.

Mrs. Masloff:

Wait a minute. There's a question I want to ask you. Are you speaking of the ushers or the grounds people?

Michelle Madoff:

I'm speaking of everybody. They are being hired by Spectacor Management Inc. It happened that I went to pick up my tickets, and I'd like the media to know that I paid \$17.50 a piece, I bought two, I sat in M-111 and all I could see was the screen and not the stage, and I want you to know that in picking up my tickets I asked a couple of young gentlemen where they lived and they lived in Clairton. I spoke to someone else who lived in McKees Rocks. I spoke to someone else who lived in Duquesne. There are enough unemployed young people in this City who could be ushers and I want that stopped and I hope I have the Council's support on that. We pick up that \$1.8 million deficit and if Local Union 508 doesn't like it, Jeep, that's their problem.

Mr. Flaherty:

I certainly empathize with Michelle Madoff's concern but I think she's about a year too late on the issue. That's why I was primarily opposed because 75 percent of the people that attend events at the Stadium are from outside the City. A significant percentage of the workforce is from outside the City. That was the primary reason why I voted against the Stadium Agreement because it's strictly and solely the City taxpayer who had their subsidy increase, that has any subsidy. The County doesn't pay one cent and so, Michelle, I think you should have expressed those concerns about a year ago. Maybe if you knew that information then you wouldn't have voted for the Stadium Agreement.

Michelle Madoff:

Tom, I admit I'm not perfect but will you support me on this?

Mr. Flaherty:

I don't know if we can do it now.

Michelle Madoff:

Well, if you support it we can have it looked into. Spectacor cannot hire people outside the City.

The Chair:

In all seriousness, if I may, Michelle, the reason I couldn't vote for your resolution is the very fact that Mr. Flaherty brought up now. He didn't hit upon it but he should have and that's the fact that over 50 percent of the attendance is from out of the City. What are we supposed to tell these people? You can't come into the Stadium? We don't allow you to work here, we don't allow you to come in to

watch the events? If we had just strictly City residents supporting that Stadium, you would have no Stadium. You'd have no Arena, you'd have nothing else. Fifty percent of our fans are from out of the City.

Mr. Flaherty:

Michelle, a equitable and legal way of doing what you would want to do would be to have the courage to tell the County that they are going to pay something. Unfortunately, in my opinion, the City did not have the courage to tell the County Commissioners that a year ago and that's why we're carrying the whole load on our shoulders.

Michelle Madoff:

Well, two wrongs don't make a right and I don't think, with the unemployment we have in this City, that we should deny our youngsters the opportunity to be ushers and I hope you would support the fact that since we pick up the whole ball of wax that we would provide the jobs for City people since the subsidies come from City people. It doesn't matter that people come from outside the City —

Mrs. Masloff:

Are you suggesting, then, that we fire half of the —

Michelle Madoff:

I'm suggesting that you do anything you have to to hire City residents to work when City taxpayers are picking up the deficit. Fire them, yes.

Mr. Woods:

Mr. President, during the Stadium

hearings and the vote, I believe if the subject was brought up of who worked over at the Stadium, something could have been done at the time. It never was. Who went to the Stadium was brought up and we were happy to get them because that helps pay the subsidy.

I would like an update because I believe now, after all the fury that my one colleague cause by saying we're going to lose money, I believe now that we are making money. I would like an update, if we could do that, from the Stadium. We have a couple extra events this year and we might even get this new football team in there also and really start making money.

Michelle Madoff:

Ben, if it was me, I would be told I was off the subject so let's get back on the subject and let's not have a chauvinist Council.

Mr. Woods:

That is the subject.

Michelle Madoff:

No, the issue is, are we going to hire non-City residents to work where the City taxpayer picks up the deficits? Do you support getting a list to see how many are non-City residents and hiring only City residents?

Mr. O'Malley:

Michelle, over 50 percent of the people that attend there are County residents.

Michelle Madoff:

That doesn't make any difference. I'm sorry. That has nothing to do with it. We are picking up

deficits. The people who work in the City pay 3-5/8 percent of their salary. That is a source of income to us. The suburbanite works here and doesn't give us any taxes. I want the City people to have those jobs because the County has refused to pick up any of that —

Mr. Woods:

I want the City people to have those jobs also. The Stadium is run by an Authority. I don't know if we can tell that Authority what Charter they're on and what laws they have about their hiring practices.

Secondly, they now have contracted out to another agency to run it, a private company. I don't if we can tell them who to hire.

Mrs. Masloff:

Also, Spectacor is guided by the labor contracts that were there before they came. The groundskeepers are union, the ushers are union.

Michelle Madoff:

Let me share with you my conversation with Spectacor. Spectacor doesn't care if we hire from the City, from the feelings I got in speaking with them today. What I will do is keep this as an alert today. I'll withdraw my floor motion. I would like to request, Mike, that you get for me from the Stadium Authority, a list of all employees, how many work in the City, how many work in the suburbs.

I'll tell you that I have been asked to introduce a bill similar to that one in Ohio to prohibit scalpers. I understand they're having a terrible, terrible problem with scalpers at the Stadium. We'll do that in September.

Mr. O'Malley:

One quick statement here. Realizing my Councilmember's sense of fair play here, two weeks ago Michelle put up a resolution pertaining to Equitable Gas. She felt that they were very unfair in not negotiating in good faith.

I received a letter from Equitable Gas and I think, in all fairness, it should be read into the record.

(BEGINNING - LETTER FROM
EQUITABLE GAS)

July 27, 1983

To the Pittsburgh City Council:

Equitable Gas objects strenuously to City Council interjecting itself into a Labor-Management dispute between Equitable and United Steelworkers of America Local 12050. Council's action in publicly criticizing Equitable and passing a resolution based solely on allegations made by the Union without checking with the Company as to the accuracy of the Union's statements is irresponsible to say the least and violates every concept of fair play, not to mention every principle of keeping the public properly informed.

If Council had requested Equitable's response to its criticism and the Union's allegations, it would have been provided with the following factual information:

1. Regarding Public Safety -
Equitable has answered every gas leak and emergency call it has received during the period of the strike, February 8, 1983 to present. These gas leaks have been either repaired or

made safe by qualified supervisory and technical personnel.

We find it ironic that at the very time that City Council was charging Equitable with threatening public safety, Local 12050 pickets were preventing Company supervisors from answering gas leak emergency calls from its Franklin Park Borough facility. On Tuesday, July 26 and again today, illegal mass picketing by Local 12050 employees at our Franklin Park and Sharpsburg divisions interfered with efforts by the Company to insure the safety of its customers. In addition, on July 22, Equitable obtained an injunction to restrain United Steelworker pickets from interfering with supervisors entering and leaving its North Versailles facility. In the face of these repeated acts of illegal harassment by Local 12050 employees, we find it hard to believe that the union is sincerely concerned about the safety of Equitable's customers.

Furthermore, the problem involving the gas main at Sixth Avenue and Grant Street was resolved by Equitable and the City's Department of Public Works some time ago. Equitable is not impeding the completion of the subway or any street construction. If fact, the Company is in compliance with all construction schedules established by the

City of Pittsburgh and the consulting engineers in charge of subway construction.

2. Regarding Bargaining in Good Faith - The Company and the Union have held 35 meetings -- 21 since the strike began. Equitable has postponed two negotiating meetings, after warning the Union it would do so, because pickets were illegally interfering with Company operations or engaging in vandalism to Company property and endangering the safety of non-uniform personnel who are maintaining service to the public. When a meeting on July 15 was postponed, the Company expressed a willingness to meet on July 18. The Union stated that it was not available to meet on that date. Before Council's meeting on July 25, the Company had agreed to the federal mediator's request to meet again on Monday, August 1, in an informal session to explore avenues of settlement.

3. Regarding Cost of Service and Payroll Savings - Any payroll savings resulting from the strike will be dealt with in future rate cases. They are not related in any way to the recent rate increase awarded Equitable by the Public Utility Commission which reimbursed Equitable for cost increases the Company had experienced up to May 31, 1982. In the process, the

PUC determined that Equitable was providing gas service at a justifiable cost in contradiction of Council's declaration that the Company was not.

The Main Issue of the Strike
- Equitable and the Union agree that the strike has not been over wages and benefits. The striking employees were averaging \$24,700 with overtime, per year, before the strike, plus about 35 percent for fringe benefits. The main issue has been the Company's efforts to be in a position to change job duties to eliminate inefficient, wasteful, "featherbedding" work practices. While the Company does not plan or contemplate lay offs of the present work force, we do intend to reduce the number of employees by attrition, over the next several years in order to provide gas service at the lowest practical cost.

With the changes we are seeking, the cost savings realized in the future will be significant and will be of direct benefit to our customers. We think it's ludicrous of Council to charge that Equitable is "treating its customers with scorn by not providing necessary gas service at the lowest cost" when that is precisely what we are trying to do by reducing inefficiencies and wasteful work practices. We believe most of our customers

understand and support our effort.

Donald M. Kellough
Vice President
Marketing and Public Affairs

djc

(END OF LETTER)

Michelle Madoff:

I'd like to respond to that. These are the gas leaks on the North Side alone. Over 100, Mr. O'Malley. Don't talk to me about Equitable. I have dealt with them for years and I also got that letter —

Mr. O'Malley:

Are you saying that you don't want the letter read into the record?

Michelle Madoff:

Oh, no. It certainly can go in the record. But I just want to point out that when one of our Councilmembers who is not here today, Mr. Stone, thought he could not vote for it because I was harsh, I was not harsh enough.

We also found that the Water Department found a leak some time ago created by an Equitable Gas leak. Equitable is the most disgusting, disreputable company that I've ever had to deal with in my environmental days and I stand by every accusation I made against them and I'm disappointed that the Post Gazette would take the attitude that we're being tough on the poor little Equitable Gas.

How do you feel if you live in the North Hills, Mr. Ben Woods? When you drive home tonight, you've got 100 gas leaks to go by.

The Chair:

You better have People's or they're going to shut your gas off.

Michelle Madoff:

I have People's. They're a good company.

Mr. Flaherty:

I have two items. The first one is to request a post agenda hearing on a further update concerning the Employment Outreach Program that is being assembled by the Department of Personnel for CAP employees whose positions were terminated. I request that either Melanie Smith and/or Phil Schugar to attend from the Department of Personnel and would you also ask them if they could contact the representatives from the CAP employees group also to attend. That would be Alice Nixon and

Mr. Perry:

We have three other items for Wednesday.

Mr. Flaherty:

Then let's put it on the following Wednesday.

One other brief issue. I think this is an issue that Council should take a stand on.

I received an anonymous complaint signed, "Most gratefully, a Senior Citizen", from the Garfield Heights Highrise in which she or he, I don't know, is one of 300 people that was fined \$10. Apparently, the Housing Authority, well, not apparently, I have the documentation here, the Housing Authority went and levied a fine of \$10

on all 300 residents of the Garfield Heights Highrise because of some beer cans that were on the premises.

This elderly person writes that for the time being, I, along with over 300 other tenants, hope you can do something to preclude the unfair fine of \$10 upon all these folks that really need every cent they get from their small incomes. Apparently, this \$10 fine was levied on all 300 individuals simply because the manager there sent a letter to all residents saying, "On July 5, 1983, the Authority cleaned the backyard and removed some debris that had been tossed out of windows. On July 7, 1983, all families were warned at the Council meeting that if this practice continues and the violator could not be identified, then all families would be fined. Since I cannot identify the true violator, all families are going to be fined."

It just seems to me that that is a very careless and unfair capricious form of due process, especially when we're talking about fining senior citizens who are in public housing. Ten dollars, I think, is a significant fine, especially for people who are innocent. As the complainer point out, they don't even have a window in their apartment.

Mr. Woods:

Tom, can I have a copy of that letter because that seems really outrageous. I sit on that Board. Did you call the Housing Authority?

Mr. Flaherty:

No, I haven't called anyone because it struck me as so outrageous.

Mr. Woods:

I would like to have a copy of that letter. It has to be a misunderstanding.

Mr. Flaherty:

I have the letter from the Housing Authority, too.

Mr. Woods:

That's what I want to see.

Mr. Flaherty:

It's signed by Jessie Fisher who is identified as Manager, I suppose, of the Garfield Heights Highrise. It's on stationery from the Housing Authority of the City of Pittsburgh.

The Chair:

Ben, can you handle that?

Mr. Woods:

Yes. That will definitely not happen.

Mr. Woods moved to excuse Mr. Givens and Mr. Stone for absence from the meeting.

Mr. Flaherty seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, August 8, 1983

No. 32

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, August 8, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Michelle Madoff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mrs. Masloff presents

Bill No. 3565 WHEREAS, this year marks the Twentieth Anniversary of Dr. Martin Luther King's historic, "I Have A Dream" speech at the "March on Washington," D.C., in 1963; and

WHEREAS, millions of Americans are suffering from the disaster of double-digit unemployment with Blacks, Hispanics, native Americans, the disabled, women and youth being most affected; and

WHEREAS, a new National Coalition of Conscious for Jobs, Peace, and Freedom has been convened to support a Twentieth Anniversary of, "March on Washington", August 27, 1983; and

WHEREAS, we call upon the United States to reverse the trend toward nuclear annihilation and record defense spending and U.S. military intervention in Central America; and

WHEREAS, many citizens are denied their basic rights and programs which ensure freedom.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh commemorates the Twentieth Anniversary of Dr. Martin Luther King's historic, "March on Washington", and call upon the citizens of Pittsburgh to support the Twentieth Anniversary, "March on Washington", on August 27,

1983, to renew Dr. King's dream of the "Beloved Community", and for jobs, peace, and freedom.

Mrs. Maslof moved to adopt the resolution.

Mr. Stone seconded the motion.

Which motion prevailed.

Mrs. Masloff:

In addition to this resolution, I want to present to Mr. Mitchell who is the Treasurer for the March, I have here a number of donations totalling \$800.00 to cover the cost of a bus for those who want to attend and are unable to.

Would Mr. Mitchell and Mr. Adams accept this resolution, please.

The Chair:

Thank you, Mr. Mitchell, Mr. Adams and Sophie. Congratulations.

Mr. Flaherty:

I have a resolution that I was asked to present on behalf of Pittsburgh Action Coalition.

Mr. Flaherty presents

Bill No. 3564 WHEREAS, Pittsburghers and others often need to use the City's coin-operated telephones in the event of emergencies such as fires, crimes, accidents, and automobile breakdowns, and for emergency needs such as food and shelter or other crisis intervention; and

WHEREAS, the ability to receive incoming calls on pay phones is frequently of vital importance to people in emergencies, especially those who are poor or temporarily without money; and

WHEREAS, Bell Telephone of Pennsylvania has begun to reduce the number of pay phones in our City which can receive incoming calls.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the City Council of Pittsburgh call upon Bell Telephone of Pennsylvania to retain the incoming-call capacity of all pay phones, to restore that capacity where it has been eliminated, and to refrain from removing pay phones now in place around Pittsburgh.

Mr. Flaherty moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Flaherty:

Would you care to come forward, Barb? Barb Murock is from the Hunger Action Coalition and she cares to say a few words.

Barb Murock:

Thank you. This issue is really important to us and to probably everyone in Pittsburgh because we've been finding on our Emergency Food Hotline that often when people call from pay phones, we can't call them back and we lose them and they're expecting a call back on where they can pick up food. We have found through talking to other people that it's important to just about anyone who deals with any kind of social service over the telephone.

We plan on bringing this to the attention of the Public Utilities Commission on Wednesday and we really appreciate the support of the City on it.

The Chair:

Thank you.

Mrs. Masloff for Michelle Madoff presented

No. 3550 Resolution accepting the dedication by the University of Pittsburgh of the Commonwealth System of Higher Education for a public water line easement Block and Lot No. 27-P-80 situate in the 4th Ward.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3551 Resolution transferring \$3,000.00 from Code Account 1802, Supplies, Bureau of Administration, General Office to Code Account 1828-1, Premium Pay, Bureau of Maintenance, Point State Park Division, Dept. of Parks and Recreation. This amount will be reimbursed by the Commonwealth of Pennsylvania.

Which was read and referred to the Committee on Finance.

Mr. O'Malley presented

No. 3552 Resolution providing for an Agreement or Agreements with the Brashear Association, Inc. to operate an emergency food distribution center at a cost not to exceed \$37,711.00 chargeable to and payable from the 1983 CDBG "Emergency Jobs Bill Program, Unspecified Local Options", (CC-83-01) Project No. 4-40-05-0002-83-806-83-35.

Also,

No. 3553 Resolution providing for an Agreement or Agreements with South Oakland Citizens Council, Inc. to revitalize its Community Printing

Project at a cost not to exceed \$28,460.00 chargeable to and payable from the 1983 CDBG "Emergency Jobs Bill Program, Unspecified Local Options", (CC-83-01) Project No. 4-40-05-0002-83-807-83-35.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson presented

No. 3554 Resolution providing for the implementation of a Residential Sticker Parking Program in the Lawrenceville/Bloomfield Communities of the City in conformance with Section 549.06 of the Pittsburgh City Code.

Also,

No. 3556 Communication from Paul C. Brophy, Executive Director, Urban Redevelopment Authority of Pittsburgh, submitting a copy of the URA certified Financial Statement, dated December 31, 1982. This report is in accordance with the Urban Redevelopment Law of Pennsylvania, Section 1719.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3555 Resolution providing for the issuance of a warrant to Sheldon Levine and Roselyn Levine, husband and wife, c/o Casey Wolff, Esquire, 424 Morewood Avenue, Pgh., PA 15213, in the amount of \$3,000.00 in full settlement of a claim for property damage caused by a water line break, payable from Code Account No. 46 Judgments.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 on all bills by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Givens seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3557

Report of the Committee on Finance for August 3, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3421

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Crown Builders in the amount of \$1,047.69; Semour Electric in the amount of \$1,301.00; and R.C. Kaiser in the amount of \$13,650.34 totalling in the aggregate \$15,999.03 in payment for extra work performed in connection with the Vehicle Maintenance Facility, Phase II; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3443

A Resolution entitled, "Resolution providing for the issuance of a \$1,153.63

warrant in favor of Pittsburgh National Bank in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3444

A Resolution entitled, "Resolution authorizing the Mayor to issue, and the City Controller to countersign the duplicate warrant to the same payee and in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3445

A Resolution entitled, "Resolution

providing for the filing of an application or applications by the City of Pittsburgh with the Pennsylvania Department of Labor and Industry for a grant or grants in connection with the Job Training Partnership Act Project or Projects; providing for the execution of Grant contracts and for the filing of requisitions and other data; providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training and Partnership Act; providing that the City of Pittsburgh will be appointed the grant recipient and administrator of the Job Training Partnership Plan; providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signatures; creating special Trust Funds in connection with the Project or Projects; providing for a contract or contracts with the Private Industry Council and various agencies/employers for services and programs related to training and employment for the Jobs Training Partnership Act Projects; providing for time to time transfer of funds from and/or among JTPA Trust Funds and CETA Trust Funds; providing for the deposit of the funds in a bank account."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty

Mr. Stone

Mr. Givens
Mrs. Masloff
Mr. Robinson

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3558

Report of the Committee on Public Works for August 3, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3426

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts for renovation of a section of the ninth floor of the City-County Building; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3427

A Resolution entitled, "Resolution further amending Resolution No. 1155, effective December 2, 1977, as amended by Resolution No. 99, approved February 22, 1980, effective February 28, 1980, as amended by Resolution No. 1290, approved December 8, 1980, effective December 11, 1980, entitled, 'Providing for a Contract or Contracts for Professional Services connected with the

design for replacement of the Pennsylvania Avenue Bridge and approaches; and providing for the payment of costs thereof, by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by Three Thousand Three Hundred (\$3,300.00) Dollars."

Which was read.

Also,

Bill No. 3428

A Resolution entitled, "Resolution granting unto the North Shore Center, their successors and assigns, the privilege and license to construct, maintain and use, at its own cost and expense, a Transformer Vault over a portion of the sidewalk of Isabella Street in the Twenty Second Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3429

A Resolution entitled, "Resolution granting unto the Veterans Administration, its successors and assigns, the privilege and license to construct, maintain and use, at its own cost and expense, an electrical vault over a portion of the Brackenridge Street Right-of-Way in the Fifth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3430

A Resolution entitled, "Resolution vacating a 20-Foot Unnamed Way between Meta Street and Altemus Way,

approximately 55-Feet Northwest of Meridan Street, in the Twentieth Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3559

Report of the Committee on Planning, Housing and Development for August 3, 1983 transmitting sundry resolutions and one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3439

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work

to be done on the exterior of the residential structures at 1215-17 Juniata Street (Block and Lot 22-L-2 and 2a), 1219-22 Juniata Street (Block and Lot 22-L-11 and 10), 1223 Juniata Street (Block and Lot 22-L-9), 1415 W. North Avenue (Block and Lot 7-B-291), 1011 N. Franklin Street (Block and Lot 22-L-176), 1430 Columbus Avenue (Block and Lot 22-E-251) and 1439-43 Hoffman Street (Block and Lot 22-E-24) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3440

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1241 Resaca Place (Block and Lot 23-J-247) and 1239 Monterey Street (Block and Lot 23-J-246) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3441

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structures at 119 Forbes Avenue (Block and Lot 1-D-132), 200 Fifth Avenue (Block and Lot 1-D-269), 433 Market Street (Block and Lot 1-D-145) in the Market Square Historic District in the 1st and 2nd Wards."

Which was read.

Also,

Bill No. 3302

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 2, by changing from "R2" Two-Family Residence and "C1" Neighborhood Retail Districts to "C3" Commercial District all that certain property bounded by: SHERADEN BOULEVARD; Lot No. 315, Block 42-R in the Allegheny County Block and Lot System; Lot No. 1 in the Improvement Subdivision Site Plan for Goodwill Plaza as recorded in Plan Book Volume 124, Pages 166 & 167; Lots No'd. 40 & 43, Block 42-S in the aforesaid System; Lot No. 304, Block 42-R in the aforesaid System, 20th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3560

Report of the Committee on Supplies for August 3, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3436

A Resolution entitled, "Resolution providing for the letting of a contract or contracts, or for the use of existing contracts, for the furnishing and delivery of a turn-key Envelope of Life Program through the Department of Emergency Medical Services for the residents of the City of Pittsburgh and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3561

Report of the Committee on Parks and Recreation for August 3, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3434

A Resolution entitled, "Resolution providing for an agreement or agreements with various independent contractors to provide instruction in connection with the 1983 Pre-School Program of the Department of Parks and Recreation; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3435

A Resolution entitled, "Resolution amending Resolution No. 403 effective June 10, 1983 entitled, 'Providing for the filing of an application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the rehabilitation of Riverview Pool; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the Riverview Pool Rehabilitation Project; providing for required assurances; providing for certification of authorized signatures; providing for the execution of payment vouchers on Letter of Credit; providing for the creation of the Riverview Pool Rehabilitation Project Trust Fund; providing for the deposit of funds into the Trust Fund; and

for the payments of costs and expenses of the Riverview Pool Rehabilitation Project' by correcting the title of the Director of the Department of Finance."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3562

Report of the Committee on Public Safety for August 3, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3437

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with the University Health Center of Pittsburgh/Center for Emergency Medicine for medical operations direction in connection with the Department of Emergency Medical Services, at a cost not to exceed \$25,000.00 chargeable to and payable from Code Account No. 1421, EMS Miscellaneous Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3563

Report of the Committee on Lands and Buildings for August 3, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3424

A Resolution entitled, "Resolution repealing Item F of Resolution No. 1368, approved December 31, 1982, which authorized the sale of property in the 20th Ward, being a 2 Story, Frame house at 814 Walbridge Street, designated as Block 19-G, Lot 84, to Carole L. Scheib for the sum of \$1,000.00."

Which was read.

Also,

Bill No. 3425

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

I'd like to welcome Mr. Givens back and now he's got a resolution.

Mr. Givens:

I notice all those people who were telling I left on such and such a date aren't even here today in this Council, but that's alright.

Previously, if you can recall Mr. President, we used to adjourn this meeting and bring it up at 10:00 on Monday so that those people who wanted an early departure can —

The Chair:

I think Mr. Stone has that motion.

Mr. Stone moved to excuse Michelle Madoff for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Woods moved to approve the minutes of Monday, July 18, 1983 and July 25, 1983.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone moved to recess today's meeting until Thursday, August 11, 1983 at 10:30 a.m.

Mr. Woods seconded the motion.

And on the motion of **Mr. Stone**

Council recessed.

Pittsburgh, PA
Thursday, August 11, 1983

And the hour of 10:30 o'clock,
A.M., having arrived and the time of
recess having expired, Council
reconvened and there were present:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

ABSENT:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Woods

The Meeting was opened by the
recitation of the pledge of allegiance to
the Flag of the United States of
America.

I pledge allegiance to the Flag of
the United States of America and to the
Republic for which it stands, one Nation,
under God, indivisible, with liberty and
justice for all.

Mr. Stone moved to recess this meeting
and meet again on Friday, August 12,
1983, at 10:30 a.m.

Mrs. Masloff seconded the motion.

And on the motion of **Mr. Stone**

Council recessed.

Pittsburgh, PA
Friday, August 12, 1983

And the hour of 10:30 o'clock A.M., having arrived and the time of recess having expired, Council reconvened and there were present:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Mr. Flaherty
Michelle Madoff
Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

REPORTS OF COMMITTEES

Mr. Stone moved for the suspension of Rule 8 for all Committees providing for the mailing of printed copies of all ordinances and resolutions to each Member of Council at least 48 hours previous to their consideration by Council after the return of said papers from Committees.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone presented

Bill No. 3566

Report of the Committee on Finance for August 12, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3366

A Resolution entitled, "Resolution increasing the bonded indebtedness of the City of Pittsburgh by the issuance of General Obligation bonds in the aggregate principal amount of \$53,000,000.00 to provide funds to pay a portion of the cost of the City's Capital Improvement Program; to advance refund a principal amount not to exceed \$60,000.00, issued in 1982 and 1981; and to pay the cost of issuance of the bonds; and approving authorization and establishing certain requirements of the City."

Which was read.

Also,

Bill No. 3367

A Resolution entitled, "Resolution authorizing the City, its Financial Advisor and the Managing Underwriters to distribute a preliminary official statement describing an issue of bonds to be sold on or about August 4, 1983 to finance a portion of the cost of the City's Capital Improvement Program and to refund certain of its outstanding indebtedness."

Which was read.

Mr. Stone moved to adopt the resolutions.

Mrs. Masloff seconded the motion.

The Chair:

I only want to say that my sentiments are the same as Mr. Stone's in regard to Mr. Schmeiser's actions and I fully realize that Mr. Givens meant very well. He's very sincere and conscientious. But, Dick, I do believe that you're off on the wrong track.

Mr. Givens:

Mr. President, I would like to respond by saying that I was only prewarning our Director that at times when the notes were coming in here there was one individual that was saying to the Administration don't buy notes, even though it was a high interest period, buy long-term bonds. Even at that time, where the notes read twelve and some percent and the market has somewhat improved.

We're talking about '84 and '85 notes that are becoming due. I think the market is going to go up a little bit. I do study that market somewhat and I'd say to anybody in this room, Mr. President, that if you were to go out and buy a home, if you had a business and you were to capitalize that business by going out and buying equipment, etc., when would have been the best time for any of us to go about to have done that or any of the taxpayers of the City of Pittsburgh. If you read the papers today you know that the housing market is failing. The coal and steel industry has been cut back and only for one reason; we had an accelerated period because the interest rates had come down. It was news to me that the reason we could not go out in that perfect time of the bond market, or any of us to go out and borrow money, was in the early part of this year that we were going through and audit. An audit would take us all the way into the month of June or July. It was very, very unfortunate. On the other hand, it was

very, very costly. So, the taxpayers of the City of Pittsburgh must bore this interest rate that we're now paying today.

That's all I have to say.

Mr. Stone:

Mr. President, if I may. First, I'd like to bring all the remarks from the meeting previous to today up into this meeting. That will save me giving another rebuttal.

**(COMMENTS FROM FINANCE MEETING
ON BILL NOS. 3366 AND 3367 - 8/12/83)**

The Chair:

Relative to Bill No. 3366 and Bill No. 3367, this deals with what was originally the ability enabling the legislation to go out for \$90 million of General Obligation Bond; \$30 million was for new funds and the other \$60 million was for whether or not we were going to refinance some of our past indebtedness.

With those two bills, as I understand it, there are going to be some changes. Ron, is that right?

**Director Ronald Schmeiser
Director of Finance:**

Yes, that's right.

The Chair:

All right now. If you have it, let me explain the way I have it here. You have one piece of legislation that has changes on it and, from what I can read at this point, what it does is eliminate the \$90 thousand and drops down to a total of \$53 thousand. Am I correct so far?

Director Schmeiser:

Yes, that's right.

The Chair:

And the others are incidental things that carry out the general intent of amendment?

Director Schmeiser:

That's right.

The Chair:

So with that, Ron, tell us where we are, whether we have good news or bad news.

Director Schmeiser:

I would say on balances it's very, very good news. We had an extremely poor market this week, primarily because of a huge supply of bonds being offered particularly by the State of Washington. If you are familiar with it and following the news, you know that the power system in Washington defaulted over a billion dollars of tax free bonds, which is the largest default in Municipal Bonds in history and it left a bad taste to investors in the State of Washington. It shook up the whole market and the State of Washington which is rated two points above us in the scale of ratings. We are selling about \$150 million worth of bonds and their price was just about where we are. So, under the circumstances, we did quite well.

Because of the poor market, it was necessary to keep the period open an extra day which was the reason we had to recess yesterday and have the final deal offered to us today.

Another problem which arose when we first presented the resolution to

Council was that we had projected refunding certain series of bonds which were insured by Ambac Insurance Company which had insured our bonds in 1981 and 1982. Ambac has two problems. First of all, they are booked for much of those Washington Power Bonds; and secondly, their parent company, Baldwin United, is having severe financial difficulty, so that the premium saved by having an insurance with Ambac was narrowed and it did not make it profitable to refund those series of bonds. Perhaps in the future it will be and we are going to look at that very closely so that between now and the end of the year, it will be possible to refund about \$30 million or so of bonds which we have insured with Ambac and we will come back to Council with authority to do so.

But we were able in this market to refinance a term bond of \$14 million, \$720 which was issued in 1982 at 12-3/4 and of course, we are saving about two hundred basis points, two percentage points on that amount which will have a savings on 20 years of about \$3 million.

Secondly, and very importantly, perhaps the most important part of this transaction is that we got the approval of the rating agencies to defer payments on certain serial bonds which are coming due in '84 and '85 and a note to Pittsburgh National Bank of \$4.8 million due in 1984 and to include those amounts in the bond issue which extends their payment over the 20 year period or 25 year period and takes the hump out of our —

The Chair:

Do you mean deferred or include?

Director Schmeiser:

It includes so that it will be paid

over the 25 years rather than in '84 and '85.

Mr. Givens:

Will you go over that just a little bit more? That 3.37 and that 12-3/4.

Director Schmeiser:

Right.

Mr. Givens:

And what are we indebted to?

Director Schmeiser:

Well, I am talking about some serial bonds which are coming due in '84 and '85, specifically, the 1981 issue. There is \$745 thousand of principal due in 1984 and \$815 thousand due in 1985 and of the 1982 bonds, \$465 thousand of principal is coming due in 1984 and \$515 thousand in 1985.

We have refunded those principal payments to be included in this bond issue which takes the hump out of our debt service in '84 and '85 which we were all concerned about.

Now we will have no short term debt whatsoever and our '84, '85 and '86 debt service will be more than manageable. So, from that standpoint, I am extremely pleased with the results of this issue.

I have here the principal and interest payments relative to this issue, which I have given you. This is the interest rates on the various maturities and your concern of the schedule, Annual Principal and Sinking Fund Payments, we see that under the annual rate, we have \$5 thousand principal payments due in '84 and '85 which will have the rate of 6-6/5 percent and then the scale goes up until

the bond is due in 2008 which is 10-3/4 percent, not 12-3/4 percent.

Mr. O'Malley:

I just need some information. The principal is \$720 thousand in 1987?

Director Schmeiser:

Yes.

Mr. O'Malley:

Interest at what?

Director Schmeiser:

At 7-1/2 percent.

Mr. O'Malley:

At 7-1/2 percent?

Director Schmeiser:

Right. On those bonds.

Mr. O'Malley:

The interest, is that \$5 million, \$502 thousand, or \$862 thousand?

Director Schmeiser:

No, that's the total interest on all the bonds outstanding.

Mr. O'Malley:

Compounded?

Director Schmeiser:

In other words, our payments in 1987 will be \$720 thousand of principal and \$5.5 million of interest, the total of \$6.222. That's our total debt service.

Mr. O'Malley:

That's all of the City's obligations?

Director Schmeiser:

No, for this issue.

Mr. Givens:

I have some concern. It's August 12th or so. You mentioned about the Washington situation and the Nuclear Plant that defaulted, I think it was a nuclear plant, and that, of course, has been knowledgeable to everyone in the financial field for many years and now it is finally getting down to a lawsuit status right now about the default. Knowing all of that and knowing what has been going on for years and how the Municipal Bond borrowing has been influenced because of that, if you were to have gone out for these bonds say in March, April and May, what was the average interest rate to people cities borrowed in Municipal Bonds? I have to appreciate that each city has a different rating and we are rated by various bond rating agencies, but taking our particular parallel, our bond rating with other cities in comparable size, what would have the bond market been then? Would it still have been 10.75?

Director Schmeiser:

It would have been less than what it is today, but as I explained to you yesterday, we would not have been able to go out in April or May because our audit wasn't completed. We can't go to the rating agencies until we have our audit completed. We changed auditors this year, as we all well know, and the first year of the change, the auditors take about two months longer than after the first year. They are more accustomed to the financing of the City

and most of the questions have been answered. So, their audit was not completed until the end of June, so we didn't have any opportunity to issue at least until the end of June. In fact, this is just about the earliest we could have had an issuance of bonds because the audit is completed. We then have to go to the rating agency and they take several weeks. This is in the ordinary course of business. The rates are very volatile in the Municipal Bond Market. We can't speculate when the best time is to go. Last year at this time, we had a very good market. This very week, it is exactly one year after the week we issued last year. We had a very good market at that period.

This year the market deteriorated and it is very likely it is going to deteriorate further.

Mr. Givens:

Well, I have to appreciate that and I have sympathy with your answer. Changing auditors in the middle of the stream, and knowing just personally myself, back in that time period, March, April and May was the time for this City to go out and buy bonds. I can recall, and it is just from memory, but I think it can be substantiated very easily, the market was around eight or nine percent at that particular time.

Director Schmeiser:

It was probably in the nines. Between nine and ten.

Mr. Givens:

Well, I have heard eight and nine also. I don't want to belabor the point, but the point is, and I was expecting and always expecting from the time this Council approves the particular bonding issue, that you should be able to go out

and get it. If you are getting eight and nine percent versus now 10-3/4 percent and each percentage, what does that do? We look at this total bond figure right here and over that 25 year period, we are looking at an interest of \$144 million at 10-3/4 percent. My point is that we could have come even nine percent or 9-1/2 percent or 10 percent and I think this type of — We changed auditors, I think we ought to do it at a time when it won't affect the time when you have the ability to go out and borrow when you have your figures ahead of you and I see what we have before us right here and all of this is a known fact; there is nothing that an auditor had to tell us right here.

Director Schmeiser:

The auditor didn't tell us anything. The auditor told the rating agencies. They can only audit after the end of the year and our year closes December 31st, and the best they can do is complete the audit by April 30th. This year, because it was their first year, they completed about June 30th which is impossible to issue bonds until that audit was completed. We can't go out the next day because we have to go to the rating agencies, which we did in the middle of July. This is about the earliest we could issue.

Mr. Givens:

Director, when I first got on this Council, the General Bond that came before this Council was around \$12 million. It was assumed up under the present Administration to average about \$21-\$23 million and now we have jumped into \$60 million and now we are going up to \$90 million coming before this City for consideration. But we are doing it in the time when the country and nation is at the highest rating. I have to appreciate \$30 million of this and I am

sad that it's mixed together of the \$90 million. It's all lumped into one sum and you are asking for \$53 million. We must go forward with the \$30 million regardless of what the market is rather than trying to go into the short term notes —

Director Schmeiser:

You can't do that anymore.

Mr. Givens:

I know that. That's what caused that peak that you mentioned in '84 and '85. You did mention '84 and '85?

Director Schmeiser:

That's right.

Mr. Givens:

Do you not have enough time even though you are saving going down from 12 and some percent interest down to 10-3/4 percent interest. Is there sometime in the future that possibly those rates would even get better?

Director Schmeiser:

If they do, we can refund them once more.

Mr. Givens:

Okay, just for this \$53 million package today, what is the total cost other than the interest we are paying to the underwriters, to everyone that is involved, everyone that is sitting here in this room today, all the law firms, all the people that we have that are supposed to advise us in our fiscal affairs?

Director Schmeiser:

The underwriting cost will be

about 2-1/2 percent which is consistant with what it has been over the last two to three years.

Mr. Givens:

That's 2-1/2 percent of \$53 million?

Director Schmeiser:

Yes, that's right.

Mr. Givens:

So we are almost talking about what?

Director Schmeiser:

It's about \$1,300,000.00, something like that. In addition to that, the City has cost, the Bond Attorney, which is \$45 thousand, Financial Advisor is \$45 thousand, the printing of the official statement is \$45 thousand, which includes other documents, all of which is not unusual. It has been consistant with what has been in the past, and consistant with what other issuers pay.

Mr. Givens:

Well, Director, I am personally going to vote for this particular bond issue before us because I feel I have no other alternative. But I am somewhat disappointed that this was not before us in the March, April, May time frame where then, I think, we should have received the amount of money. It didn't take a genius or anybody to read the papers, to read the various columnist that were saying what was going to happen, that the economy was heating up, etc., and that directly or indirectly effects the overall Municipal Bond Rating. All of us knew about the Washington situation and when it was going to come to a head, and this year

was the time, and it went into the banks, they went into the courts etc. That was a known fact or two. You changed auditors in the year that you knew the possibility of buying the bonds in the early part of the year. That was not the doings of this Council, that was your particular doings and as a result, I thought it was very untimely.

That's all I have to say.

The Chair:

In view of your statements, Mr. Givens, you give me no alternative but to respond to that. Since I am a little closer to this thing than you are with the Finance Department, I would be remiss if I didn't make some comments.

To make the comments you made and to ignore what he had told us makes it seem as though he has done something wrong. First of all, you can't close the year until the year closes. So, until December 31st, he can't close a year.

He has indicated that at no time, even with the prior auditors that he had, that he ever came in earlier than April. Now, if he made a mistake because he is trying to get us a better audit, then he is wrong. But nobody has said that he had done the wrong thing in picking the right auditor.

Now you are gong to chastise someone everytime they make a change for the best interest of the City and I hope we are not because that is what he is responsible for doing and he is doing exactly that. The second one is, I think that probably his greatest feeling is he doesn't have a crystal ball that is better than every fiscal expert in the world because nobody has. This is one of the most hectic economic problems we have ever had since the '30's and for anyone to claim it's that easy to do only shows that

they don't understand that situation.

Relative to this particular thing, I want to say this, Ron. It's about time we put it on the table because sometimes at this table we have too many experts who, after you have done something, can always say you ought to change it down a little bit, or up a little bit and that one who does the work is always wrong even though they got the best deal that anyone could possibly get and that's wrong to let you sit in that position.

Director Schmeiser:

Thank you.

The Chair:

Relative to this particular position, every bond issue that has been done with the City of Pittsburgh since I have been involved has always been in the best interest of the City of Pittsburgh. Now if we had it lucky, we would try to get it at one percent and maybe try not to pay any interest at all. But in this world, we are never going to get that kind of situation. The original financing that he did with the notes and the \$70 million, we are on target in the right way and if you will notice what's been happening with the City of Pittsburgh, our bond rating has been on the increase while everybody else has been on the decrease and diminishing their rate. Right now he is coming to us and because he is suggesting that we go the \$90 million. All of a sudden, there is something wrong with it. I think we ought to commend him for doing it because what he says is we need \$30 million and interest rates are going up and you have a choice; pay now, maybe one or two percent difference because it is going to go up, or you have the alternative to wait for escalation to eat you up at 10 to 12 percent. We cannot possibly wait on the

\$30 million.

Relative to the other \$23 million, I read what he is saying. It's a very simple thing. He has indicated to us you have a choice; don't touch it, but under the present rate which is lower than what we originally had, we saved some \$3 million over and above all the cost. Now we have a choice. We don't want you to save the \$3 million; we want to chastise you for doing a bad job. I think we should be saying, "Ron, you did a good job".

Mr. DePasquale:

In light of the conditions, Mr. Schmeiser did a tremendous job.

The Chair:

Hold on, let me finish. Relative to these notes, it's easy to have the benefit of hindsight three and four years behind and when someone does something, you say, "Hey, you did something wrong a long time ago." Well, if you are lucky and you are not on the firing line, you can sit there and wait and you can do all kind of criticism. That's easy. But at the time that it was done, the City of Pittsburgh never got a better deal than they did at the time that we did it. When we did the notes with the bank, getting it at the rate we got from the bank, everybody is overlooking it. What was the rate at the bank?

Director Schmeiser:

Around nine and a quarter.

The Chair:

Right, around nine percent interest from the bank and we carry that now over a couple of times as I recall. We are looking now where we are going into '84 and '85, where we are going to

have a high peak and he is seeing that problem. He is avoiding the problem for us. I think what we need to do is commend him, not to say, I am for it but I don't like what you did because it's wrong. That's not fair.

I will entertain a motion to put the substitute bill in here. —

Mr. Givens:

I would like to respond to one thing —

Mr. DePasquale:

Dick, he made the best deal possible, really.

Mr. Givens:

I have been concentrating on this particular bond issue and I was frustrated on other notes and bonds —

The Chair:

Yes, but you get frustrated because you don't understand the system.

Mr. Givens:

You have spoken and I would like to respond. I was talking to the Director and you are talking directly to me, Mr. Stone.

The Chair:

Yes, but I can't sit here while you rip up a guy who is doing a good job for us.

Mr. Givens:

I would like to respond to what you just said.

The Chair:

You may.

Mr. Givens:

You said that it's a crystal ball out there and all the experts and everything else. I am no expert. I don't pretend to be an expert, but I can look at the newspapers and I can look at the magazines and if I were to have advised the City when to buy, when you look at the interest rates over the last several years, when it got down to eight and nine percent, that was the time to buy and that time was back in March and April of this year.

I say no more.

The Chair:

You are right. In 1943 had we had followed Buck Rogers, we would have been on the moon a lot earlier than we were.

Mr. Givens:

You have your finances and I have mine.

The Chair:

You had better quit reading your comic books and get down to financial responsibility.

Mr. Givens:

I don't read comic books; I have never read comic books. And I suggest to you as our Finance Chairman —

The Chair:

I have a motion to submit the substitute bill.

Mr. DePasquale seconded the motion.

Which motion prevailed.

The Chair:

On the bill as amended?

Mr. Woods moved for approval.

Mrs. Masloff seconded the motion.

Which motion prevailed.

**(END OF COMMENTS FROM FINANCE
MEETING - 8/12/83)**

The Chair:

Roll call vote.

Mr. Givens:

I vote aye on this and I'd like my remarks also to be brought forward. If you noted, Mr. President, I did not get personal in my remarks. I was strictly doing what I am paid to do here as a Councilman and that is to oversee the finances of the City of Pittsburgh. I did not appreciate the remarks from the Finance Chairman as to my reading comic books and trying to belittle my character and my ability to know the financial indebtedness of some seven to eight hundred million dollars. Another \$144 dollars has just been added today on this \$53 million bond note. I'm well aware of everything that's happened in this City and I did not appreciate his remarks, personal remarks.

The Chair:

Dick, we all know you meant well.

Mr. Stone:

I vote aye, and if I may, Mr. President, I don't doubt the sincerity of

Mr. Givens and I want him to understand that. But this is a tricky technical market and it's like someone who hasn't gone to law school trying to be a lawyer. When you're into this fiscal thing as it is, you've got to understand it more other than read books and read newspapers. I'm not intending to be personal with that but too often there has been too much looseness of criticism of Directors in technical fields. I think it's about time we stopped some of that stuff. Some of these people in this crazy world, crazy economic conditions that we have right now, should be getting our full support rather than some doubt as to whether we're taking the right steps or not. I think it's dangerous. If they don't make the kind of innovative moves that we've had in these last three, four, five years, we're never going to come out of these kinds of problems. Everybody's having difficulties and it's how you come through it. The City of Pittsburgh, right now, in spite of what we, as we look at it as closely as we might, we're probably in better condition than any other northeastern state, the City as it is right now. That's only because we've watched our financing and how we've done our debt obligations over these many years.

Mr. Givens:

I might repeat, Mr. Chairman, that those debt eliminations was because of our pension plan and our unfunded liability and for four years I've sat here almost singularly voting against the budget until that reform came about.

Mr. Stone:

But, Mr. Givens, it was Robert Rade Stone who introduced all that stuff and I think we ought to understand what's going on. Too many times after something is introduced, everybody becomes a new author of this kind of stuff.

Mr. Givens:

Robert Rade Stone, that's your type of financing and I have to disagree with you.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Stone moved to adjourn this meeting and the next meeting is to be held Monday, August 15, 1983 at 10:00 a.m.

Mr. Woods seconded the motion.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, August 15, 1983

No. 33

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, August 15, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

ABSENT:

Mrs. Masloff

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

UNFINISHED BUSINESS

The Chair presents

Bill No. 3548 Communication from Mayor Richard S. Caliguiri, appointing Deborah Comay of 2139 Beechwood Boulevard, Pittsburgh, Pennsylvania 15217, as Magistrate on City Court for a term to expire January, 1987.

Which was read, received and filed.

Also,

Bill No. 3549 Resolution appointing Deborah Comay of 2139 Beechwood Boulevard, Pittsburgh PA 15217 as Magistrate on City Court for a term to expire January, 1987.

Which was read.

Mr. Stone moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Michelle Madoff:

I have known Ms. Comay for many, many years, I know her husband, I know her father-in-law. She is woman who decided late in life to go back to law school, later than most do, and she's really an outstanding person and I think she will be superb at her job. I'm glad it's a woman so I don't have to picket the Mayor's Office

Mr. Robinson:

I'd like to have my comments from Wednesday brought forward, please.

**(MR. ROBINSON'S REMARKS FROM
8/10/83)**

Mr. Robinson:

I just have a comment. I was just going to say that Ms. Comay comes highly recommended by those people in the Housing Field who are concerned about housing matters in the City and I think her qualifications are eminent and I think it speaks to at least a concern that I have had that we have someone in Housing Court who is eminently qualified with experience and I think it would do a lot for the City to improve the stature of our whole Housing Court and Housing Clinic to have someone with those credentials and qualifications.

Everyone that I have talked to has been very pleased with your background, experience and coopertaion and I am pleased that you are going to be working with us.

Ms. Comay:

Thank you.

**(END OF MR. ROBINSON'S REMARKS,
8/10/83)**

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair presents

Bill No. 3567 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, returning with his veto of Council Bill No. 3420, entitled, "An Ordinance amending Ordinance 21, effective July 11, 1983, entitled, "An Ordinance providing for the notification of plant closings, reductions, or relocations.", by making various changes.

Which was read, received and filed.

Also,

Bill No. 3420 An Ordinance amending Ordinance No. 21, effective July 11, 1983, entitled, "An Ordinance providing for the notification of plant closings, reductions, or relocations.", by making various changes.

Which was read.

**(LETTER FROM MAYOR REGARDING
BILL NO. 3420)**

August 12, 1983

Honorable President and Members
City Council
CITY OF PITTSBURGH

Dear Mr. President and Members:

I am returning as vetoed Council Bill No. 3420 which is legislation purporting to amend Ordinance No. 21 of 1983.

In addition to the reasons set forth

in my July 5, 1983, veto letter to Ordinance 21 of 1983, I am vetoing this legislation because Council ignored a valid petition filed pursuant to Section 320 of the Home Rule Charter. This section provides that no vote shall be taken on proposed legislation until a public hearing is held in response to a properly submitted petition. My comments contained in paragraph 4 of my July 5 letter are particularly appropriate to Council's conduct in ignoring the petition and not holding the Charter mandated hearing.

Accordingly, I am returning as vetoed Council Bill No. 3420.

Very truly yours,

Richard S. Caliguiri
Mayor

RSC/mpm

(END OF MAYOR'S VETO LETTER)

Mr. Robinson moved to override the Mayor's veto.

Michelle Madoff seconded the motion.

The Chair:

Roll call vote.

Michelle Madoff:

Discussion. I don't believe, and I guess I shouldn't speak for my colleagues, but it takes six to override, is that correct, Mr. President? We've had six votes before but we will not have them, I believe, today unless somebody changes their vote because Mrs. Masloff is not here.

I, too, have been on vacation. Actually, I haven't been vacationing. For the record, I've been moving out of a five

bedroom house into a one bedroom apartment. It's been twenty-three years of my life and it's been traumatic and I just have not been able to be here physically. But, if I had been on vacation in Hawaii and my vote was the key vote, I would have flown back to vote. That's how strongly I feel. If you believe in something you stand behind it and you have the courage of your convictions. I am very disappointed that Sophie isn't here and I want to say that for the record.

Mr. Flaherty:

In regard to the veto from the Mayor's Office, essentially the Mayor has vetoed the amendments because he says that Council ignored a valid petition and he said that this is in violation of Section 320 of the Home Rule Charter. I think this Council should be affronted that the Mayor is trying to tread on our jurisdiction. This is clearly an issue where Council, when we did decide not to grant a public hearing through a vote, we decided that that petition was not valid. Councilman Woods, Councilman Robinson, myself, and other members of Council had very strong criticisms as to the legitimacy of that petition.

I think this is sacred ground that the Mayor is treading on. This is a prerogative that is certainly within the boundaries of Council as to if this Council wishes to grant a hearing or not and as to when that hearing should be granted. That has absolutely nothing to do with the Mayor's Office and I think the Mayor is totally out of line in using that flimsy excuse for putting another veto on this plant closing issue.

I think the true reason why the Mayor is vetoing it is simply because it's a political question. He says "in addition to the reasons set forth in the veto of July 5". Well, what we are trying to do

is rectify and we are trying to buttress the legal arguments and we are trying, perhaps, to amend some of the reasons that the Mayor had for the veto of the original bill. Therefore, if his veto was strictly based on the supposed legality of the bill or some technical questions he had with the bill, then he should be wholeheartedly in support of these amendments. But, I say that's not the reason. It's simply a political question. It's a political question and, as I said before, it's like night and day. That's what it's coming down to. It's coming down to corporate interests versus communal interests. It's coming down to a question of whether this Council is going to stick with business or is it going to stick with labor. I think we are a Democratic Council, we are in the labor capital of this world and I think we should act accordingly and show our constituency that predominantly elected us from working class people where we stand on this issue.

I personally, as far as all the criticisms about the legality of the bill and the technicalities, that holds absolutely no water with me and I don't think it should with this Council because what we are trying to do is say that the bill is legal with these amendments. This bill is our baby. We should go all the way protecting it. That's all these amendments simply do.

In closing, I just want to add what Michelle Madoff had touched upon. I am very upset. I think this is one of the most crucial issues that has faced this Council and I think it's unfortunate that Sophie Masloff, one of the original supporters of this bill, cannot take a day or a few hours away from vacation to come here to defend the bill and to protect it.

I also want to add my own credence to what SNAC is asking of Councilman

Stone. I would hope that Councilman Stone would get off the dime on this issue and vote one way or the other on it. I think there's been plenty of time; we've had this issue since March to decide where one stands on it.

The Chair:

Roll call vote. Yes to override and no to sustain.

Mr. Givens:

Mr. President, I think sometimes emotionalism gets in here and I heard Mr. Flaherty so indicate that this is a labor issue versus that of the business community. As the author of that particular bill, in introducing it into this Council I had felt that this was something that would unite and make government a part of what is happening in our industrial complex around the Pittsburgh area.

One only has to look at Youngstown and what happened to the Youngstown area to realize that there was no action by their government in Youngstown, and as a result, they lost about fifty percent of their businesses in that particular area. One only has to look down our Mon Valley and find the unemployment down there and the rallying that is going on with the communities and the governments down there.

We are elected to this position that we sit in here today to represent the people. This resolution did not come out of one individual. It came out of the whole community of the City of Pittsburgh. When we met at Reizenstein after about a two or three day notice, there just wasn't politicians at that particular meeting, there just wasn't labor people at that particular meeting, there just were not religious people at that particular meeting, there weren't

people from all walks of life, 700-800, at that particular meeting, it was the total community that was saying, "We need help and as you're elected officials, we want you to help us."

That was the spawning ground of the plant closing legislation. We're here today for some amendments of clarification. I read that one of these clarifications is the clause of severability of any ordinance that we make within the City of Pittsburgh. I suggest to you then, Mr. President, and to all my colleagues, if the judge feels that there is one thing wrong, that that whole ordinance be thrown out, that about 99 percent of everything that we do here should be thrown out. Every ordinance that I have in my hand, and I'm assuming that every ordinance that most of you have in your hand, does not have the severability clause. I even mentioned to the \$53 million that we had just passed on this last Friday, that it doesn't have a severance clause in it, Mr. President. I bring that out as a fact.

These amendments are an area of clarification. Judge Papadakos has to look at this in a legal aspect. The amendments, although they're good, they should have come before the bill was actually finally passed; however, they were not. At the same time, I figured the amendments should not have the legal impact on the judge's decision and the fact that it's the legality; can this Council do it or can we not do it? It's that simple. If we can't do it on this one, then I submit that the Bureau of Cable Communication will fall under the same category because that is what this particular ordinance was modeled after. If we can regulate that business and regulate all the other businesses in the City of Pittsburgh, we can surely do what we're doing right now.

So, that decision is going to have

great impact upon the legislative process, not only in this City but all other cities across the state of Pennsylvania.

Thank you, Mr. President. I vote aye.

Michelle Madoff:

You know, I cannot believe that this Council is sitting here fighting amongst themselves over an issue that really could have been solved in another way and in a much more appropriate manner, and that is that this Council has the right, in the Home Rule Charter, to have its own legal counsel.

I don't believe and I don't think anybody with any intelligence can honestly believe that the Law Department of the City of Pittsburgh, hired by the Mayor, fired by the Mayor, really represents this Council. It does not.

This Council has the right to introduce legislation. This is not original legislation, it didn't spring out of the head of Zeus. It has been done in other cities. It has been found legal in other cities; it has been found constitutional. Even if we don't get everything that was asked in the bill, we're going to get something, and something is a lot better than nothing.

When I have friends that are asked by major corporation, we will give you four weeks salary and a letter of recommendation if, after years, you will resign instead of having us fire you so that you will collect unemployment. I think it's really a sad day when people are that intimidated. I don't think there's a person in this room that can't have compassion for someone, and I think the reporters can be as affected by this as anyone else, or anybody out there that

may be listening to this dialogue. How would you like, after years, to have your employer come over to you and say, "Well, you're fired. You've got three weeks to go and find something else." People have families and children and there aren't jobs available.

I think human decency says we cannot toss people aside like an old shoe. And that's all this Council is trying to do and had we had legal counsel we would not, perhaps, be having some of these amendments. But we didn't have available to us the appropriate legal staff. The Legal Department that services the Mayor didn't come to us and say, "Let me show you how to make this bill better.", did they, Mr. Flaherty?

You know, you can say, "I can't do something.". I don't want to hear how things can't be done. I want you to tell me how it can be done. I want to know how we can protect the people on jobs. As I said before, we may not get everything but let's get something. I hope we're together on that.

I vote aye to override. Thank you.

Mr. Robinson:

I'm going to vote aye and I'd just like to reiterate a point that I raised when the petition was submitted to us requesting the hearing.

The City Clerk made it rather clear that he had not validated the petition. While I recognize that there are many instances in which practicality dictates that you deviate from the rules, I don't think there's anything in the Charter which suggests that petitions that are submitted to us requesting hearings should not be validated and that we shouldn't have in place a validating process. I indicated that my reasons for voting against honoring the petition were

that it had not been validated and I think some of the information that Councilman Woods presented to us at that time suggested that there were some serious questions.

I think if we are going to recognize the fact that we have had an awful lot of hearings over the last couple years, we'll probably have more requests and I think we need to take very seriously the validation process to make sure that we can justify that petitions are valid and that the hearings we are granting are in accordance with the general guidelines of the Home Rule Charter. I certainly do not believe that we should deny legitimate requests for hearings. In fact, I'm an advocate of Section 320 which does provide for public hearings for those that submit valid petitions. Section 320 is clear; it's one of the clearest sections of the Charter. It says very specifically that the persons must be electors, it very specifically sets up some sort of process to present the petition. The City Clerk, on numerous occasions, has had difficulties with petitions and has had to address the validation point. I'm just sorry that we did not make some attempt to validate the petitions and, if the petition was appropriate, to grant to the petitioners the hearing that they requested. But I'm going to vote to override the Mayor's veto.

Mr. O'Malley:

Mr. President, if I might, I was going to let this opportunity pass because I thought there was enough dialogue on this subject. —

The Chair:

Mr. O'Malley, you're out of order. You were asked for comments before. When we called your name for the roll, you didn't make any comments. We'll go on.

Mr. O'Malley:

Okay. That's fine.

Mr. Stone:

Mr. President, relative to this particular bill, I have gone through it as much as everybody on this Council. I have attempted to do some matter relative to a voluntary act of having all parties participate. I had indicated that we have a Labor Management Counsel in place. The other ingredient that was necessary was government in order to make a kind of a tri-party involvement. This legislation came through. I made some suggestions that, in no way, in any good sense, can you publicly make a notice in advance and in the newspaper as it originally had it that you going out of business. That was changed. I attempted thereafter to make some changes relative to a voluntary effort rather than the bill that was proposed.

I indicated very clearly for those who wanted to listen then, for those who have listened since, and for those who didn't get it up until now, let me recite it again. There is no question that something should be done along these lines. But, relative to this particular bill, we have had a good display of demagoguery and it's about time that it be disclosed and clearly brought out. Those who would like to have labor understand that they're getting a big help when they give them illegal legislation is not helping them. It is quite obvious that this bill, and I foresee, that the court is going to declare it illegal and efforts to make it legal have been thwarted all along.

We have one individual who would like to take me to task for my vote. Well, I think that that person ought to look in the mirror and see who is the demagogue and we might better

understand what this problem is. You can't put illegal legislation through as a panacea or a solution or an answer to a problem and that's what has happened here. I listened very attentively as Mr. Flaherty, on the day that we passed this piece of legislation, indicated to those who wanted to make some changes, "No, you had six months to do this". Someone questioned the legal status relative to the matter. "No, we checked with our attorney and everything is fine." Less than one week after, he came in with six or seven pages of minute details that took him two and a half hours the following Wednesday, in a very sloppy fashion, in an attempt to get through this Council.

It is obvious that there was more heat than there was logic relative to this particular bill. There was every attempt to thwart every attempt to try to make this bill pass in a fashion that was acceptable to everyone. Now the details are quite obvious. There was a quick need to make an amendment only because there was your responsive pleading in a court battle, and an attempt after the fact now to answer a court action rather than to stand on the original statement that Mr. Flaherty represented to this Council, "That it is legal; our counsel has checked this thing and the City Solicitor doesn't know what he is talking about".

Well, now it's rug cutting time. Before we get to that, and everybody says the court is where it ought to be resolved, before we get to that and since we now know what's going to happen, what we want to do is blame the world.

Michelle Madoff:

What do you mean, "We all know what's going to happen"? Did you talk to the judge? Did you speak to the judge? Are you the judge and jury?

The Chair:

Michelle, you're out of order. You had your comments; there's not going to be a debate.

Mr. Stone:

What you have is an attempt to blame the world for what is inevitable. Let me say it very clearly. I have said from day one that the bill, in its present form, is illegal. I think the City Solicitor was on target. It should have been a red flag to everyone, to understand if you don't like the City Solicitor and when he tells you something, you at least ought to look into it rather than to represent that it is legal when it's not.

I'm going to end the way I started; I'm going to stay the same way I began. I'm abstaining and, regretfully, I hope that somewhere along the line in this period of time there's been a little more light than there's been today.

Mr. Woods:

Mr. President, there's been some remarks made here about how we should vote for this bill and we should vote for this override because it's a labor bill. I don't believe that we should get into whether it's labor or whether it's management. That's not what we're here for. We're here to represent all the people. I voted for this bill and I'm going to vote for the override because I believe it's morally right. I vote yes.

The Chair:

Well, if my vote is the deciding vote, I'll comment. I wasn't going to do it otherwise.

I have been in labor my whole adult life and, honestly, I can't see where this bill is going to help labor. It's going to

hurt labor so I vote no.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Michelle Madoff	

AYES 5 NOES 2

(MR. O'MALLEY AND MR.
DEPASQUALE VOTING NO)

(MR. STONE ABSTAINING)

And a majority of the votes of Council being in the affirmative, the veto was sustained.

REPORTS OF COMMITTEES

Mr. Stone moved to suspend Rule 8 by providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone presented

Bill No. 3568

Report of the Committee on Finance for August 10, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3433

A Resolution entitled, "Resolution authorizing the quarterly transfer of an amount not to exceed Four Hundred Thousand Dollars (\$400,000.00) from the 1983 Community Development Block Grant Trust Fund, Code Account CDPB, Housing Authority Recreation Salaries, Project No. 4-10-10-0010-83-221-83-10 to the General Fund of the City of Pittsburgh for reimbursement of Salaries and Wages paid to employees in support of the City's Community Development Block Grant Program." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3454

A Resolution entitled, "Resolution authorizing Carnegie Library of Pittsburgh to submit an application for a grant in connection with Library Services and Construction Act, Title II (Emergency Jobs Bill) for renovation of certain areas within the Central Library.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3455

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Carnegie Institute in the amount of \$75,000.00 in payment for construction work furnished in connection with improvements at the Institute, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3462

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Nittany Engineers and Management Consultants, Inc., in the amount of Five Hundred Twenty (\$520.00) Dollars in payment for Engineering Consultant Services furnished for the benefit of the City to development a recycling program for the City's Asphalt Program; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3463

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Browning-Ferris Industries, in the amount of Four Thousand Two Hundred Sixty Seven (\$4,267.00) Dollars in payment for Rental of Stationary Refuse Compactor Unit and 40 cubic yard Refuse Containers used at the Second Division - 28th and Smallman Streets; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3482

A Resolution entitled, "Resolution transferring \$25,000.00 from Code Account No. 1703, Utilities, to Code Account No. 1701, Miscellaneous Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3488

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Jendoco Construction Co. in the amount of \$7,848.00 in payment for work at Ormsby Pool and Park, furnished for the benefit of the City without previous authority of law."

Which was read.

Also,

Bill No. 3489

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Murry Park Corporation in the amount of \$400.00 in payment for work performed at Point State Park providing lights for 4th of July Celebration,

furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3490

A Resolution entitled, "Resolution authorizing the City Clerk to correct clerical errors in community development authorizing legislation that incorrectly reduces authorized amounts in said legislation to the amount actually expended and to further correct any errors contained in project codes."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill

pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3496

A Resolution entitled, "Resolution providing for the issuance of warrants in favor of listed companies, in the total amount of \$488.20, in payment for the repairs and shipping charge of a Western Auto-loading Skeet Trap, used at the Police Firing Range; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3522

A Resolution entitled, "Resolution providing for the issuance of a \$977.00 warrant in favor of James and Mary Lou Whitehouse and Housing Mortgage Corporation in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3523

A Resolution entitled, "Resolution providing for the issuance of warrants in the aggregate amount not to exceed \$2,500.00 in favor of one hundred and twenty-five (125) persons who provide proctoring services for the benefit of the City in connection with the administration of the Department of Personnel and Civil Service Commission's 1983 entry level Firefighter Written Examination on November 5, 1983 and providing for payments thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3524

A Resolution entitled, "Resolution transferring the sum of \$5,000.00 from Code Account 1100 - Miscellaneous Services - to Code Account 1099-1 - Premium Pay - Department of Personnel

and Civil Service Commission."

Which was read.

Also,

Bill No. 3525

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various Private for Profit and Non-Profit entities to provide employment opportunities for low and moderate income City residents in connection with the 1983 CDBG Emergency Jobs Bill Program and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3526

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Equal Employment Opportunity Commission for a grant in connection with Deferral of Employment Discrimination Charges, EEOC-706 Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the EEOC-706 Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Bill No. 3528

A Resolution entitled, "Resolution providing for the issuance of a warrant or warrants in favor of listed vendors in the amounts listed totalling \$29,142.98 for the payment of Automotive and Radio Parts furnished to the Department of Supplies without previous authority of law."

Which was read.

Also,

Bill No. 3529

A Resolution entitled, "Resolution providing for the issuance of a warrant or warrants in favor of listed vendors in the amounts listed totalling \$26,887.10 for the payment of Automotive and Radio Parts furnished for the Department of Supplies without previous authority of law."

Which was read.

Michelle Madoff:

On Bills 3528 and 3529, I understand there was a lot of discussion and I'll read the transcript or listen to it.

These were unauthorized purchases, is that correct, Mr. President?

The Chair:

I think a couple people were suspended over it.

Mr. Woods:

Yes, Michelle, they were purchases without authorization.

Michelle Madoff:

What percentage of these dollars?

Mr. Woods:

All of it.

Michelle Madoff:

Who authorized the purchase?

Mr. Woods:

The Superintendent of the garage or the purchasing man at the garage.

Michelle Madoff:

Who was that? Who was the person?

Mr. Woods:

I would rather not give his name.

Michelle Madoff:

I would like to know. I mean, it's public information.

Mr. Woods:

He's been suspended for a few weeks. There was two people suspended for a number of weeks.

Michelle Madoff:

Since it's public information, who was it?

Mr. Woods:

I don't know.

Michelle Madoff:

Does anybody know who it was? Does anybody know who was suspended? Who was it? I'd like to know who the person was. It's a matter of public information. Does anybody know? This is ridiculous. Was his name mentioned Wednesday?

Mr. Woods:

No, it wasn't.

Mr. O'Malley:

I didn't hear who it was.

Michelle Madoff:

Who is it? What is his title? The Purchasing Agent?

Mr. Woods:

Right. He buys things for the garage. I guess you could call him a Superintendent of the garage.

Michelle Madoff:

Superintendent of garages. Is that anybody we know?

Mr. Woods:

There were two people involved. They bought things that they needed but they just didn't get prior approval and for doing that —

Michelle Madoff:

Well, maybe they shouldn't be punished. Maybe it wasn't their responsibility. I'm trying to find out. I think they should have their day to state how it happened.

Mr. Woods:

They already did. They had their day with the Director. It wasn't proper procedure that they went through and they were each given two weeks off.

Michelle Madoff:

Who are they? The public is entitled to know.

Mr. Woods:

I don't know their names, Michelle.

Michelle Madoff:

You know but you don't want to say. Okay. We'll find out later.

The Chair:

Let's bear in mind, they didn't do anything criminal. Let's not drag their names through the news —

Michelle Madoff:

I don't think they did anything criminal. I think the system let them down. Maybe they're being punished — They should not be suspended if they didn't do anything wrong. If they didn't do anything wrong, the person directing

that department is responsible.

The Chair:

Mr. Jacoby was up here and said that as far as he was concerned, they were wrong.

Michelle Madoff:

Who were the people? Maybe they're the fall guys. Maybe they're taking the rap for nothing. I want to know who they are and I want to talk to them.

The Chair:

We discussed that, Michelle, for over a half an hour. As you stated, you weren't here. I'm sorry about that.

Michelle Madoff:

What are their names?

The Chair:

They did not give their names.

Michelle Madoff:

I'll get their names.

Mr. Givens:

Mr. President, I would like my remarks to be brought up from last Wednesday.

(MR. GIVENS' REMARKS ON BILL NOS. 3528 AND 3529 - 8/10/83)

Mr. Givens:

George, I don't want to belabor the point but I think Councilman Robinson brought this out. Bill had this Committee prior to myself having this Committee and now Ben Woods has it

and the same thing was happening back then. Before I left, the system was putting in computers in the City Garage that inventoried everything. So, I assumed that everything was under control.

Now, here we are several years later and we are finding the same thing coming back and this disturbs me to an extent. You say that you have these items in inventory, but inventory is the part that goes in and comes back out again. Can you say, for example, if it was a tire, what vehicle it went on? If it was a battery, what vehicle it went in? Or if it was taken off that vehicle, did it go into salvage and, if it did, how was it disposed? These are the critical issues right here and it shows that there is a sloppiness and a weakness within that Department and it has been going on for some four, five, six and, in fact, seven years.

When I first came on this Council, I wasn't here three months and I was in the City Garage and one thing that I looked at while I was at the garage was trying to get a garage that will service some 13,000 some vehicles and that's not including the lawnmowers and all these little pieces of equipment that we have throughout our Department of Parks and Recreation and Department of Public Works. But, just try to keep track of that and if you look at the Supply Department within the budget, you are a portion of the pie. City taxes continues to increase and it should do so because its modernizing and updating their vehicle force and all these are in the automotive parts division.

I have a very hard time approving these vendors and when I look at some of these vendors, those vendors themselves ought to have better sense. I mean these are professional people that have been in the business for a long time, and when

they do this, they know they are, in fact, violating probably normal business procedures and these are business men.

(END OF MR. GIVENS' REMARKS - 8/10/83)

Mr. Givens:

If you can recall, I voted no on these particular bills and I'd like to reinstate that.

There are many reputable companies that are shown on this list, probably 25-30 some various companies that are so noted here. Those people and those companies, at least many of them, because some of them are very large companies, know what the internal mechanisms and workings of any major corporation, including that of the City of Pittsburgh, are. There are certain things you must do.

Although the City employee was wrong for doing what he did, also these vendors who are working with the City of Pittsburgh know the proper method for this procedure to go through in vending their particular products. For that and for the double reasons of the City continuing to do this, I will not tolerate it. And for the vendors who have made a contribution to these errors, I cannot tolerate it.

For that reason, I vote no on those two bills.

Michelle Madoff:

What do you mean by making a contribution? To a campaign?

Mr. Givens:

I'm not saying anything, Michelle. I'm just saying that these are reputable companies and they know how to do

business and they know businesses contracted within the City of Pittsburgh and that they were sidelining our own operation.

Mr. Stone:

I think it should be placed on the record that 3528 and 3529, as Finance Director, I asked that all Directors inform their employees that if you're not authorized to purchase, you don't purchase. It's my understanding they're raising that level of authority up to the Deputy Director.

I've asked also for the City Solicitor to strengthen the ordinance whereby those dealing with the City and dealing with unauthorized personnel will not be paid for their services or, at least, they will travel at their own risk.

I think we've begun to do something about it already. I'm likewise confident that Mr. Jacoby, who is now in Supplies, will take the kind of action that's necessary to avoid this kind of problem in the future.

Mr. Woods:

In reference to 3528 and 3529, many of these items were needed immediately. They didn't go through the Wallace Act but we did receive all the items so I see no reason not to pay for them.

Mr. Stone:

Mr. President, before we leave that, it should be brought out relative to those warrants that we need six votes.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. O'Malley	Mr. Woods
Mr. Robinson	Mr. DePasquale
	(Pres't)

AYES 6 NOES 2

(MR. GIVENS AND MICHELLE MADOFF VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3530

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Clayton Covington in the amount of \$516.00. This warrant is necessary to refund the excess collected when his vehicle was auctioned since City Ordinance requires that any funds in excess of towing and storage charges, which are received when the vehicle is auctioned, be refunded to the owner upon request."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3551

A Resolution entitled, "Resolution transferring \$3,000.00 from Code Account 1802, Supplies, Bureau of Administration, General Office to Code Account 1828-1, Premium Pay, Bureau of Maintenance, Point State Park Division, in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of

Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3555

A Resolution entitled, "Resolution providing for the issuance of a warrant to Sheldon Levine and Roselyn Levine, husband and wife, c/o Casey Wolff, Esquire, 424 Morewood Avenue, Pittsburgh, PA. 15213, in the amount of \$3,000.00 in full settlement of a claim for property damage and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3569

Report of the Committee on Public Works for August 10, 1983 transmitting

sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3464

A Resolution entitled, "Resolution providing for an agreement or agreements with the Allegheny County Sanitary Authority and the Township of Hampton, to enlarge the area services by the Sanitary Authority, so as to include the physical plant and facilities operated by Anvil Products, Inc., located in the Township of Hampton."

Which was read.

Also,

Bill No. 3465

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the backfilling of PPG Place excavation at Third Avenue; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3466

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the Design of the Rehabilitation of the Monongahela Incline Support Wall; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3467

A Resolution, entitled, "Resolution providing for a Reimbursement Agreement or Agreements wit the Port Authority of Allegheny County for the maintenance and/or reconstruction of the exclusive bus lanes in the City of Pittsburgh."

Which was read.

Also,

Bill No. 3468

A Resolution entitled, "Resolution further amending Resolution No. 1445, approved December 29, 1981, effective January 1, 1982, as amended, entitled, 'Resolution adopting and approving the 1982 Capital Budget and the 1982 Community Development Block Grant Program; and approving the 1982 through 1987 Capital Improvement Program,' by redefining the funding sources."

Which was read.

Also,

Bill No. 3469

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for concrete repairs to City Steps, various locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3470

A Resolution entitled, "Resolution providing for a Contract or Contracts for

the Construction of Walls at Various Locations, including, but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goettman Street and Blessing Street; providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Srevices in connection with the Design of the Reconstruction of the Goettman Street Wall; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3471

A Resolution entitled, "Resolution granting unto Viola and Beverly Brentlev, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk encroachment in a portion of the sidewalk of 2211 Webster Avenue in the 1st Ward of the City of Pittsburgh."

Which was read.

Mr. Givens:

Mr. President, I would like to move to amend Bill No. 3471. The amendment would read by changing the 1st Ward to read the 5th Ward, City of Pittsburgh.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone:

Dick, is Fifth or is that Third?

The Chair:

Really, part of it, I think is in the Third. The bottom part is in the Third. The top part is in the Fifth. It's not the

First Ward anyway.

Also,

Bill No. 3472

A Resolution entitled, "Resolution granting unto Adrian Mazzotta, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, two (2) columns in a portion of the sidewalk at 1314 Fifth Avenue in the First Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3473

A Resolution entitled, "Resolution granting unto BallyVeane Associates, 1121-1123 Penn Avenue, administrators and assigns, the privilege and license to construct, maintain and use their own cost and expense, two vaults and a loading dock in a portion of the sidewalk of Penn Avenue and Mulberry Way in the 2nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3474

A Resolution entitled, "Resolution granting unto Pittsburgh Plate Glass Industries, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, six (6) electrical vaults in a portion of the sidewalks of the Boulevard of the Allies and Fourth Avenue, in the First Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3475

A Resolution entitled, "Resolution granting unto the Pittsburgh National Bank, their successors and assigns, the privilege and license to continue to maintain and use, at their own cost and expense, for the duration a portion of the structure, 1816 Warren Street, encroaching in Pitham Street at its intersection with Warren Street, in the Twenty Fifth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3476

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Environmental Services to establish the "Rodent Control Program" through the CDBG Emergency Jobs Bill Program, and authorizing the Director of the Department of Environmental Services to make all legitimate expenditures from the 'Emergency Jobs Bill Program' for the purpose of employing low-moderate income persons for the 'Rodent Control Program' in the City of Pittsburgh, and providing for payment of the cost thereof, in an amount not to exceed \$300,000.00."

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Stone

Michelle Madoff Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Robinson (Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens:

The discussion on Wednesday in regards to Bill 3479 — Public Works Rockslide, Saw Mill Run Boulevard, Ram Construction Company, I believe to the sum of \$22,000. Did the Assistant Chief Clerk receive any communications from the Department of Public Works?

Linda Johnson:

No.

Mr. Givens:

From Ram Corporation as to what they were going to do with Seldom Seen?

Linda Johnson:

No.

Mr. Givens:

The fact that we have not received anything Mr. President— there was a preliminary vote on Wednesday that must we have some type of certification from the Department of Public Works or from the Ram Corporation itself as to what they were going to do with the debris that they had put on the Seldom Seen site. I make a motion, Mr. President, that we would hold this bill.

The Chair:

Wait, we had a notification from Public Works this morning. Did you get

it?

Mr. Stone:

Yes.

Mr. Woods:

Right.

The Chair:

Stating that they would have that work done by this coming Friday. It should have been done.

Mr. Givens:

Who said that?

The Chair:

Mr. McDermott sent a letter stating that the construction would be done by the 15th of August.

Linda Johnson:

They didn't deliver them to me. They delivered them to the offices. I didn't know what was in the envelope.

Mr. Givens:

Hold it, nothing is supposed to go through the offices.

The Chair:

That came up Friday.

Linda Johnson:

Directly to your office. The envelopes came from the Department of Public Works —

Mr. Givens:

That was a part of the Wednesday

session. It was asked in Wednesday's session, would that be done. Then you say you were by-passed, Linda?

Linda Johnson:

I didn't receive them.

Mr. Givens:

Then you should have received them. That's why you're the acting Chief Clerk.

Linda Johnson:

Councilmembers received an envelope. Each Councilmember received an envelope.

Mr. Givens:

Well, that's why I asked you the question, "Did you receive it" and you said no you —

Linda Johnson:

I didn't know what the envelope contained, sir.

Mr. Givens:

All right. Then they were received on Friday, you say.

Linda Johnson:

No. This morning.

Mr. Givens:

This morning. Okay. Does anyone have a copy of that letter?

Mr. Woods:

In my office.

Mr. Givens:

Did anyone read the copy?

Michelle Madoff:

Yes. They're going to do it by Friday.

Mr. Woods:

They would have the work completed by August 12, which was last Friday.

Mr. Givens:

Who was it signed by, can you recall, Ben?

Mr. Woods:

Paul McDermott.

Mr. Givens:

Well, based upon that letter, then, I'll withdraw my motion.

Mr. Robinson presented

Bill No. 3570

Report of the Committee on Planning, Housing and Development for August 10, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 3497

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the City of Pittsburgh and SUPPORT OUR NEIGHBORHOODS

ACTION COALITION (SNAC) to identify and promote a Buy Pittsburgh Area Products Campaign, cost not to exceed \$65,000.00."

Which was read.

The Chair:

If you want to favor this bill, you vote aye, even though it's a negative recommendation.

Michelle Madoff:

If you favor the bill, you vote aye; is that correct?

The Chair:

Yes.

Mr. Flaherty:

I vote aye. I would also like to have my remarks from Wednesday's Committee meeting included in the record.

Mr. Givens:

I vote no on this particular bill. I had voted aye on it on Wednesday, and I change my vote. The reasons for my change, I received many calls from various groups throughout the City of Pittsburgh, and re-evaluating the actual program itself, I feel that I would like to put this bill on hold to go into it a little bit further, but I don't think that amendment would fly right now; but I think the \$65,000 that's being used for the SNAC organization for that to go into SNAC, and SNAC would have to dissolve.

I feel SNAC is a unique organization. It represented the total community, and as a result, I feel that this appropriation should not go into an

organization like that, because it will then in some degree dissolve that organization. I think that should go on and go forward. If this money is to be appropriated, I like the idea. I think it should be an entity or a particular company should be formed non-profit, and they should resubmit this legislation to us from this particular non-profit corporation. I would like SNAC to continue on its present course.

Michelle Madoff:

Mr. President, this is an unusual format, and I don't know whether or not I'm out of order or not. Perhaps the Parliamentarian could direct me, with your help. I wonder whether Ms. Brose could come to speak to us for a minute.

The Chair:

No.

Michelle Madoff:

Since this would normally be the Wednesday afternoon session and unless somebody at Council disagrees if there's a veto.

The Chair:

This is not the normal Wednesday afternoon session. We had the Finance meeting.

Ms. Brose:

We want our proposal withdrawn immediately.

Michelle Madoff:

Just one moment. It's my turn to speak.

The Chair:

We have no choice but to go ahead with the voting, Aggie. If we'd have known that —

Ms. Brose:

Well, what they've done is, they made the focus on the bill—

The Chair:

Please, Aggie, really you shouldn't be saying anything.

Mr. Givens:

Mr. President, if I might have the floor for a second?

Michelle Madoff:

No, it's my turn.

Mr. Givens:

Would you yield to me?

Michelle Madoff:

Not until I'm through.

Ms. Brose:

We'll get independent money, and we'll fund SNAC.

The Chair:

Michelle, do you want to make a motion to recommit the bill?

Michelle Madoff:

After I —

The Chair:

It's going to have to be done

through a Councilperson.

Michelle Madoff:

May I speak, please, since it's my turn and we're in the middle of the vote?

Ms. Brose:

They've all gotten pressure because of —

The Chair:

Please, Aggie. Wait a minute, Aggie Brose. Aggie, please, I'm not going to ask you one more time. Now, we're going to have order here. Go ahead, Michelle, continue your comments.

Michelle Madoff:

Mr. President, I came in today especially to vote for this bill, which I think is a very worthy project; and I want to state why I feel it's a very good project. If this Council would just look back in its memory and look at what is a matter of record, we have given on two occasions that I can recall off the top of my head, just from my memory bank, \$50,000 two years running to East Liberty, not to get rid of boarded-up stores, not to remove —

The Chair:

If I may interrupt you for a second, Michelle, not for salaries. We did not give any money for salaries.

Michelle Madoff:

We gave it to them for advertising.

The Chair:

That's right. There were jobs involved.

Michelle Madoff:

For advertising to East Liberty, for advertising, and we voted for it because it was going to be a one-shot, one-time event. The following year we gave East Liberty another \$50,000 for the same purpose. We have paid for firecrackers, Aggie, firecrackers in this City, and I voted no.

Let's talk about the bill. The bill is a very worthy bill. It is seed money. SNAC is going to go ahead with this project with or without the funds from Council, because everybody who cares about what the project is is going to support them.

The important thing is that the money be available and I think that Council should set an example by making funds available, not just for East Liberty, not just for Arsenal, Mr. Givens. When you come before us and you want some money for one project --

Mr. Givens:

Thank God for the Arsenal. None of us would be here. We'd go under the Confederacy.

The Chair:

Michelle, would you contain yourself to the bill itself?

Michelle Madoff:

I'm trying, Mr. President, but we're talking about the Confederacy over here. I think he's flipped-out.

The Chair:

What else are you trying to do?

Michelle Madoff:

What I'm saying is that this Council has come up with moneys repeatedly for individual --

The Chair:

This was all brought up Wednesday, everybody --

Michelle Madoff:

I wasn't here, and I wish to be heard. Do you mind, sir?

The Chair:

Well, for heaven's sake, what are you trying to prove?

Michelle Madoff:

It would be a lot briefer if you'd keep quiet and let me finish.

The Chair:

What point are you trying to prove? Already you've disrupted the meeting three times by asking people to speak that shouldn't speak.

Michelle Madoff:

I asked your indulgence. You said no. I did not pursue it. I was a lady; behave like a gentleman. I know it's difficult, but try.

I will state again very quietly that this Council has repeatedly voted for items such as firecrackers, the area that Mr. Givens lives in, and they are all worthy causes. I have no problem with the majority of them. They were for isolated community projects. They were outright grants from this Council; and now when a group comes along and really wants to do something for the whole City

for the entire City, and is a one-shot deal seed money, and all they're asking for is \$65,000, this Council will vote for money for firecrackers and will turn them down. I do not believe that. I vote aye.

Mr. O'Malley:

I would like to have my remarks from Wednesday brought forward, and it's my understanding that the Parliamentarian clarified that once the vote starts, the legislation cannot be withdrawn.

Parliamentarian:

You have to finish your vote. The matter before Council is either approval or disapproval of this legislation. The winning side can make a motion to rescind, and then you can vote on that.

Mr. O'Malley:

I vote aye.

Mr. Robinson:

I vote aye. I would also like to have my comments from Wednesday brought forward.

Mr. Stone:

No. I would also like my remarks from Wednesday brought forward.

Mr. Woods:

I vote no. I would also like my remarks brought forward from Wednesday.

The Chair:

No.

**(REMARKS FROM WED. AUG. 10, 1983
ON BILL NO. 3497)**

Mr. Flaherty:

I have somewhat ambivalent concerns in regard to the bill, but I am going to give the benefit of the doubt simply because the SNAC organization is willing to undertake the challenges and the objectives outlined in the proposal. I just want to quote from the Preamble of the City Charter where it says, "A responsible City is one which expects aggressive action from its officials towards the achievement of housing, pure air, efficient transportation, excellent education and useful employment."

I think we especially here in the City which are experiencing the throws of the 16 percent plus unemployment, needs more innovative actions, some creative proposals and so considering the times, considering that this is a one shot deal, I for the time being will not address the reservations that I may normally have in the regard to the proposal and I support it.

Mr. O'Malley:

I think the idea of about Pittsburgh Committee is an excellent idea especially the way it was proposed from SNAC on the grass roots level; I had a great deal of concern and if the \$65,000.00 would be contained to specifically about a Pittsburgh Project Program and I have been assured by the Directors of SNAC that it would be and it would also put some guidelines on this bill that one, the first Monday of every month that whoever is hired as chairman or director of the program would have to report to this Council and give this Council a breakdown of what has been accomplished and what has been achieved by the Pittsburgh Committee;

and also that if there is anybody that is hired from this money is to be refrained from participating in any other activities.

I think the program is an excellent program; what enabled Iron City Beer to come back is that people are aware that Iron City is a local beer and people have the tendency to support your own local community and I think a committee like this can make all of us aware of what products are manufactured, made and distributed in the Pittsburgh area and hopefully by purchasing those products that will help increase employment in the Pittsburgh and also the surrounding areas. So I move for approval.

Mr. Woods:

I think it's a great idea, like I said at the Post Agenda but I and since Councilman O'Malley brought up Iron City Beer, I think all the manufactures in this City and the surrounding Allegheny County and in Western Pennsylvania should get behind this thing; because like Iron City Beer paid for it themselves, promoted it themselves, give out the stickers, I believe that all these companies here can do the same think without using taxpayers money, it's much easier for them, they can write it all off the taxes from all this promotion and we don't have to fund this thing.

Mr. Robinson:

Mr. Chairman, and members of Council, I think we will remember about three years ago, we passed a general resolution, Resolution 144 which very specifically speaks to the issue of making sure that local businesses and that local companies participate in Renaissance II. I think Bill No. 3497 speaks to that very issue and I would just like to read the last portion of that resolution which we did pass back in 1980. It says: "Be it

resolved that this Council and the Mayor on behalf of the citizens of the City of Pittsburgh encourage and employ those interested and assisting in the development of the City of Pittsburgh to prepare and present as part of their proposal, a process to substantially involve local businesses and local individuals in the development plans." I think the spirit of this resolution embodied in 3497; we do a lot of things to encourage business to come into this community; we do somethings to encourage businesses to stay in this community and we pay for it with public dollars because I think it is a legitimate public concern; 3497 represents a legitimate public concern and I think \$65,000.00 will be well spent and there are probably few cities in the country that are venturing into this territory and I don't think we should be afraid to do something a little innovative and to do something that speaks to the issue of trying to keep jobs and businesses in this City. \$65,000.00 I think is a small sum to invest in the future of this City, so I support 3497.

Mr. Givens:

One would have to look at the track record of SNAC just this last year and try to assume that what has happened there in just the saving of jobs and I think if we look at the Nabisco experience; if this wasn't here within the City of Pittsburgh on those 600 and some jobs and they were working only with some six or seven ovens and now they have 13 ovens and they have hired almost all but 30 of that labor force back at that particular plant; it was done because the consequences that Nabisco had moved out of there and one of the steps that were going to be taken is that the people of the City of Pittsburgh through this and any other organization was going to boycott Nabisco products and I think they sensed that very

dramatically at Reizenstein High School when about six, seven, eight hundred people along with most of the people at this table were there. I think that's the impact, we have many commodities made within the City of Pittsburgh and those companies are going under and we have our Chamber of Commerce, but I said where was our Chamber when Nabisco was going under at that particular time. This is just another area of involvement of the local community; this will be City wide, it's just not located into one area; I think they will be going out and they have a good intelligent source through the community organizations and if we can think of all the community organizations within the City of Pittsburgh they do and give us much of the input to make the challenges of today within our community and we need more of this, not less of this and I can think of what's happening in our Oakland area for example and ODI out there and what they have done and how we have financed them for the development of their particular community. This is done in the spirit of trying to get people to purchase and buy and create new industry and new jobs within the City of Pittsburgh and it is done by the people within that community; that is the flavor that I like on this particular bill.

MR. DEPASQUALE COMMENTS

Mr. Givens:

Well naturally it's a form of many corporations and organization, non-profit and you have to have people there to run it and this is just a nucleus, the gathering of the thing and if you can consider the time and effort that's done on a voluntary basis and these people spend hundreds and thousands of hours and it gets to the point where they have to have a job and they have to work also and I think because of their passed track

record and what has been accomplished, that this will cohesively bind all of our community organizations, all of our activists groups if you might call them out there in the City are trying to give us progressive legislation within the City to move and this is only going to be funded for one year and as Mr. O'Malley so indicated, he wants a monthly report and I think that should be forthcoming at any time that we feel that this is not a worth while endeavor, we can cut their funds off. We don't spend enough money blowing our horns in the City and I say that to the Convention Center, to the small manufacturers people; we have the Wind Symphony; people really don't know what we have here in the City of Pittsburgh including the people who live in some cases in the City until they get out and someone comes in from out-of-town and they start visiting the City. This is to bring an intelligent source to this Council as to what's happening in our business community; when a particular company starts going down or when they need some promotional activity to survive within a very competitive environment and I think this is a very binding legislation and an experiment and as Tom indicated it is an experiment and we will look at it to see how it grows.

Mr. O'Malley:

I vote aye because I think it's a small amount to pay for an awareness program and just to show you how this works, the people from SNAC made me aware of downstairs at our own Doggery where we sell hotdogs, popcorn that they buy their hotdog buns from outside the City of Pittsburgh, and I was talking to the Manager and asked him if there was a reason for this he said no, no particular reason, it's just that that was the vendor they buy a lot of their other merchandize off of and I explained to him that we have about half a dozen of bakeries in the City of Pittsburgh and he said he

would look into purchasing buns from one of our own bakeries, but it's a small item, but if we can get 100, 200 or 300 vendors to do the same thing then we might be able to save a few jobs in the City of Pittsburgh.

Mr. Robinson:

One, I would like to take exception to Councilman Flaherty's comment about the emergency jobs bill, all the projects are going to produce jobs and all the projects are in accordance with the guideline set up by the federal government. I think Council should also be aware of the fact that 90 percent of products that the City of Pittsburgh buys comes from outside the City; certainly we need to look internally what we need to do to is promote in this City; also the money that is going to be used to pay for this project is going to come out of the \$700,000.00 that Council so wisely held under the Emergency Jobs Program under the Unspecified Local Options and it's exactly for this type of project that I believe we held that money and I think it will be a wise use of taxpayers dollars.

Mr. Woods:

I vote no, because like Mr. O'Malley said, it's a small item and small amount of money and I am sure that we can get enough companies that would be more than willing to come with this money and they can get great advertisement out of it and it would be a great tax right-off.

Mr. Stone:

Relative to the legislation before us, I think the idea is a good one, I agree with Councilman Woods, that this should not be a City expenditure and it's time that the corporations under promotion where they get a legitimate tax deduction spend the money to buy

Pittsburgh products; in addition there has been as I understand it a disclosure of purpose of more so and more specifically a disclosure of intended employee; while I don't doubt the sincerity of the employee, I do question the expertise for the program that has been designed. In addition to that and more importantly, it would appear to me that we are under this legislation attempting to by-pass what many people on this Council have expressed a great deal of concern about and that's the matter of bidding; we are by-passing it totally for that purpose and it seems to me that we are ending up with an illegal operation with it and I therefore vote no.

(END OF REMARKS ON BILL NO. 3497)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson

AYES 4 NOES 4

(MR. GIVENS, MR. STONE, MR. WOODS
AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

The Chair:

The bill fails. Mr. Parliamentarian, are you telling me that someone from the floor can make a motion to recommit?

Michelle Madoff:

Can anybody on the floor make a motion to withdraw the bill?

Parliamentarian:

It's not a motion to withdraw. It's a motion to rescind your legislation.

Michelle Madoff:

Can anybody withdraw the bill at this point? Is it too late?

The Chair:

Mr. Parliamentarian, if I may. During the course of the voting, Mr. O'Malley said he thought it was improper to recommit. You said that the recommittal motion could be made after the vote by one of those in favor of the passage of the vote, if I understood it.

Parliamentarian:

The winning side, whoever won.

Mr. Stone:

There's no winner.

The Chair:

That's what I tried to make emphatic. Those in favor of it, or are you saying those of the majority could bring it up and not anyone in the minority? In other words, the bill fails. It has to come from someone who voted against it to recommit.

Parliamentarian:

You don't have a majority, minority there.

Mr. Robinson:

Right.

Parliamentarian:

It's a four-four vote.

Michelle Madoff:

Can we withdraw a bill?

The Chair:

They needed six votes with eight here.

Parliamentarian:

Only through a majority. Two-thirds of this is —

The Chair:

Let's save some time here. Obviously, it's a tie, and the bill has been defeated. Now, in the case of a tie, you're saying, being there was no majority, it cannot be recommitted.

Parliamentarian:

You can't recommit until you have a vote to rescind this vote. Then you can have a motion to recommit.

Michelle Madoff:

Can you withdraw the bill?

The Chair:

It was four-four, so it was rescinded. Now —

Parliamentarian:

No, you have to have a vote on the rescinding.

Michelle Madoff:

Excuse me, can the bill be withdrawn?

Parliamentarian:

Not at this point.

Michelle Madoff:

I don't want to recommit it. I want to withdraw it. There's a difference. I do not wish to recommit it, I want to withdraw it, because the people who asked us to present the bill feel that they don't need our help if this is the kind of grudging help they're going to give us.

Mr. O'Malley:

They're not going to get our help, Michelle.

Michelle Madoff:

I know, but I think, Mr. O'Malley, I think it is important for the record that everybody understand what happened here today.

The Chair:

Michelle, please. Michelle makes a good point here. Can the bill be withdrawn, because if it's not withdrawn, I presume they can't reconsider another bill for a period like six months or a year.

Parliamentarian:

You can rescind this bill. For a motion to rescind, you need a two-thirds vote of those present. You have eight people present; two-thirds of eight is five and a half. You need five.

Michelle Madoff:

What would you recommend we do at this point, Mr. Parliamentarian?

Parliamentarian:

I would move to rescind.

Mr. Flaherty:

I move to rescind the vote.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

We're going to have the withdrawal brought up again. I'm asking you beforehand, is there a certain period time when a bill is defeated before you can bring it up again? Six months, a year, whatever?

Parliamentarian:

This bill is defeated. You can't bring it up again until the reorganization of Council.

The Chair:

That's what I mean, and that won't be until next January. Michelle, the bill cannot be entered until next January. Wait. You need five votes to rescind. Roll call vote.

Mr. Stone:

Point of order, Mr. President.

The Chair:

Wait, you need five votes to rescind.

Mr. Stone:

You need six.

Mr. Woods:

Two-thirds of people here?

Parliamentarian:

The rule is two-thirds of those present or the majority of those of the entire members. In this case, you need five either way.

Mr. Givens:

I vote aye.

The Chair:

Excuse me, Mr. Givens, if I may, now you're voting—

Mr. Givens:

That's right, I made a comment, the fact that I would want to table this bill, that I don't feel it's appropriate to be in that particular organization. It should be another non-profit organization established. The idea I like, and that's why I went with it on Wednesday. However, after re-evaluation, I've changed, and that's why I'd like to rescind this particular vote and put the bill before this Council and have it tabled. My vote is aye.

Mr. Robinson:

I only want to vote on the procedure that we're utilizing. I don't believe that we are using the proper procedure. There was not a majority vote for or against the bill. It was four-four. I do not believe that the procedures allow us to move to rescind. Therefore, I'm going to have to vote against rescission even though I voted for

the bill and I do believe we need to fund a project of this type.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff

AYES 3 NOES 5

(MR. O'MALLEY, MR. ROBINSON, MR. STONE, MR. WOODS AND MR. DEPASOUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Also, with an affirmative recommendation,

Bill No. 3499

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a) A 7 & 9 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 for occupancy of an existing five-story building by Community College of Allegheny County for administrative offices and clerically related in a district classified "A1" Commercial-Residential Associated on property located at 800 ALLEGHENY AVENUE and identified as Lots No'd. 233, 236 & 238, Block 7-D in the Allegheny County Block and Lot Systems, 22nd Ward."

Which was read.

Also,

Bill No. 3500

A Resolution entitled, "Resolution providing for an Agreement(s) with the Pittsburgh Clean City Committee, a non-profit corporation, for the purpose of administering the lot maintenance and Greenway implementation activities of the Property Management and Maintenance Program."

Which was read.

Also,

Bill No. 3501

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements between the City and the Housing Authority of the City of Pittsburgh for the administration and implementation of the following programs: 'EJB Crawl Space Program/HACP' (CP-83-15); 'EJB Maintenance Program/HACP' (CP-83-16); 'EJB Arlington Heights/HACP' (CP-83-17)."

Which was read.

Also,

Bill No. 3502

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements between the City and the URA of Pgh. for the administration and implementation of the following programs: 'EJB Housing Counseling' (UR-83-08); 'EJB Neighborhood Development' (UR-83-27); 'EJB California/Kirkbride Support' (UR-83-28); 'EJB Commercial Industrial Loan Program/PNA' (UR-83-29)."

Which was read.

Also,

Bill No. 3503

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Leggs Unlimited, a non-profit corporation, to provide community social services including home chore services and a shopping transportation escort service for the aged, handicapped, and disabled."

Which was read.

Also,

Bill No. 3504

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Spring Garden Neighborhood Council to operate a Neighborhood Information and Improvement Program in the Spring Garden Neighborhood."

Which was read.

Also,

Bill No. 3505

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Urban Youth Action, Inc. to operate an educational work-experience program for Pittsburgh Youth."

Which was read.

Also,

Bill No. 3506

A Resolution entitled, "Resolution authorizing the Mayor and the Director

of the Dept. of City Planning to enter into an Agreement or Agreements with the Welfare Rights Organization of Allegheny County to provide counseling to low and moderate income residents of the City of Pittsburgh."

Which was read.

Mr. Stone:

On Bill 3506, I would like to amend by increasing the funding from \$50,000 to \$75,000.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

What is the bill for?

Mr. Stone:

Bill 3506, welfare rights.

Michelle Madoff:

From \$50,000 to what?

Mr. Stone:

\$75,000.

Michelle Madoff:

Mr. President, is that a grant?

Mr. Stone:

It's engaging their services for that work.

Michelle Madoff:

Where does the money come out of? What code account?

Mr. Stone:

ULO.

Michelle Madoff:

CDBG?

Mr. O'Malley:

Yes. The federal funds.

Michelle Madoff:

Federal dollars.

Also,

Bill No. 3507

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3508

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 8th Ward of the City of Pgh. owned by Clemens Hohenadel and designated as Block and Lot 26-D-115 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee of the City of Pgh., and the Planing Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3509

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Manchester Properties Associates for the sale of Parcel 295 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3510

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS)."

Which was read.

Also,

Bill No. 3511

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESALE FOR REHABILITATION)."

Which was read.

Also,

Bill No. 3512

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the

URA of Pgh. and Tom Mistick and Sons, Inc. for the sale of Block 22R Lots 204 and 206 in the 21st Ward of the City of Pittsburgh (SIDEYARDS)."

Which was read.

Also,

Bill No. 3513

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the City of Pittsburgh (SINGLE FAMILY HOUSES)."

Which was read.

Also,

Bill No. 3514

A Resolution entitled, "Resolution approving an Agreement by and between the URA of Pgh. and Steve Catranel Construction Co., Inc. in which URA of Pgh. will provide financial assistance to the purchasers of houses to be constructed in the 10th Ward of the City of Pittsburgh under the terms and conditions of the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 3515

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Steve Catranel Construction Co., Inc. for the sale of Block 50L Lots 196, 198 and 199 in the 10th Ward of the City of Pittsburgh (SINGLE FAMILY HOUSES)."

Which was read.

Also,

Bill No. 3516

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire all of the City's rights, title and interest, if any in and to the publicly owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lots: 174-N-175, 174-N-164, 174-N-168, 174-N-237, 174-J-233, 174-J-305, 174-J-304, 174-J-303, 174-J-300, 174-J-112, 174-J-113, under the Homewood South Project."

Which was read.

Also,

Bill No. 3517

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 10th Ward of the City of Pgh. owned by Eugene and Helen Conner and designated as Block and Lot 80-G-176A in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified by the VPRC of the City of Pgh. and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3518

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 13th Ward of the City of Pgh. owned by James L. and Naomi Collier and designated as Block and Lot 174-E-123 in the Deed Registry Office of Allegheny County, under the

RLRF, said property having been certified as blighted by the Vacant Property Review Committee of the City of Pgh. and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3519

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Gary L. Dunhoff for the sale of Block 20G Lot 21 in the 20th Ward of the City of Pittsburgh (NEW HOUSE CONSTRUCTION)."

Which was read.

Also,

Bill No. 3520

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the City of Pittsburgh (SIDEYARDS)."

Which was read.

Also,

Bill No. 3521

A Resolution entitled, "Resolution approving an Agreement by and between the URA of Pgh. and Solar Inc. in which URA of Pgh. will provide financial assistance to the purchasers of houses to be constructed in the 10th Ward of the City of Pgh. under the terms and conditions of the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 3196

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing from "R2" to "RP" all that certain property located on the northerly side of SHIRAS AVENUE between LOS ANGELES AVENUE and VODELI STREET, 19th Ward."

Which was read.

Also,

Bill No. 3197

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A33 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended for a Housing Facility for the Elderly containing 31 dwelling units at the Lee School Site located on the northerly side of SHIRAS AVENUE between LOS ANGELES AVENUE and VODELI STREET, 19th Ward."

Which was read.

Also,

Bill No. 3552

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Brashear Association, Inc. to operate an emergency food distribution center."

Which was read.

Also,

Bill No. 3553

A Resolution entitled, "Resolution

providing for an Agreement or Agreements with South Oakland Citizens Council, Inc. to revitalize its Community Printing Project."

Which was read.

Also,

Bill No. 3554

A Resolution entitled, "Resolution providing for the implementation of a Residential Sticker Parking Program in the Lawrenceville community pursuant to Pittsburgh Code, Chapter 549."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3571

Report of the Committee on Supplies for August 10, 1983 transmitting sundry

resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3498

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts or the use of existing Contracts for the purchase and delivery of Computer Equipment for the Department of Emergency Medical Services, and payable thereof."

Which was read.

Also,

Bill No. 3531

A Resolution entitled, "Resolution providing for the advertising for proposals for equipment for use by the several departments of the City of Pittsburgh during calendar year 1984."

Which was read.

Also,

Bill No. 3532

A Resolution entitled, "Resolution providing for the letting of Contracts and use of existing Contracts for the materials, general supplies, and equipment by the several departments of the City of Pittsburgh, during the calendar year 1984, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3533

A Resolution entitled, "Resolution providing for the letting, during the calendar year 1984, of Contracts and for the use of existing Contracts, for the maintenance, rental, inspection, or servicing of personal property and for the maintenance and repair of buildings, structures, or any other properties in the custody of the various departments of the City of Pittsburgh, and for the miscellaneous services in and for any or all departments of the City of Pittsburgh, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3534

A Resolution entitled, "Resolution providing for a Contract or Contracts or for the use of existing Contracts for the purchase and delivery of two (2) Compressors for the Department of Supplies; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3572

Report of the Committee on Water for August 10, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3483

A Resolution entitled, "Resolution providing for a Contract or Contracts for Filtration Plant Wall and Arch Repair Work; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3484

A Resolution entitled, "Resolution providing for a Contract or Contracts for Purchase and Installation of Valves by Contract at Various Locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3485

A Resolution entitled, "Resolution providing for a Contract or Contracts for Cleaning and Cement Lining of the 50" Main between Amberson Avenue and Friendship Avenue and providing for the

payment of the cost thereof."

Which was read.

Also,

Bill No. 3486

A Resolution entitled, "Resolution providing for a Contract or Contracts for Cleaning and Cement Lining of the 42 $\frac{1}{2}$ " and 42" Water Main in Butler Street and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3487

A Resolution entitled, "Resolution providing for a Contract or Contracts for Painting of the Herron Hill and Squirrel Hill Water Tanks; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3550

A Resolution entitled, "Resolution accepting the dedication by the University of Pittsburgh of The Commonwealth System of Higher Education, a non-profit corporation under the laws of the Commonwealth of Pennsylvania, having its domicile in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, of a strip of land having a uniform width of 20 feet for a public water line easement through Block and Lot 27-P-80 of record in the Block and Lot Section of the Recorder's Office of Allegheny County and situate in the Fourth Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff for Mrs. Masloff presented

Bill No. 3573

Report of the Committee on Parks and Recreation for August 10, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3491

A Resolution entitled, "Resolution amending Res. No. 1054, eff. Oct. 19, 1982 entitled, 'Providing for a lease or leases and/or License Agreement for the use of the facilities at 200 Tabor Street in the amount not to exceed \$8,400.00,' to include the parking lot and the Lease

and/or license agreement will also provide for improvement by City of the parking lot for community parking and playground use."

Which was read.

Also,

Bill No. 3492

A Resolution entitled, "Resolution amending Res. No. 219 eff. April 11, 1983, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts for lighting installation or replacement at various park facilities including Ream Gym and Granville Basketball Court' by increasing the amount provided."

Which was read.

Also,

Bill No. 3493

A Resolution entitled, "Resolution further amending Res. No. 1385 eff. Jan. 1, 1983 as amended entitled, 'A Resolution adopting the 1983 Capital Budget and approving the 1983-1988 Capital Improvement Program' by increasing the amounts provided from 4-10-10-0001 (PR 83-11) Rehabilitate Existing Playgrounds and 4-10-05-1480 (PR 83-20) Lighting, New or Replacement of Fixtures."

Which was read.

Also,

Bill No. 3494

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the rehabilitation of playgrounds at various locations to be determined; and providing

for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3574

Report of the Committee on Lands and Buildings for August 10, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3453

A Resolution entitled, "Resolution providing for an Agreement or Agreements for Architectural/Engineering Services and a Contract or Contracts for construction in connection with the renovation for

fire stations at various locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3456

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the installation of an infrared heating system at the 29th Street Garage; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3457

A Resolution entitled, "Resolution providing for a Contract or Contracts including the use of existing Contracts for construction in connection with renovation of Cell Block, Public Safety Building; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3458

A Resolution entitled, "Resolution providing for a Contract or Contracts including the use of existing Contracts for construction in connection with renovations of various roofs, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3459

A Resolution entitled, "Resolution amending Item A-1 of Res. No. 506, appr. 7-1-83 for the sale of 4 lots on Bedford Avenue, 3rd Ward, to Brenda Tate, for the sum of \$900.00. Property is designated as Block 9-M, Lots 295-296-297-298."

Which was read.

Also,

Bill No. 3460

A Resolution entitled, "Resolution amending Item C of Res. No. 506 appr. 7-1-83, which authorized the sale of property in the 10th Ward, being a 2 Sty. Fra. Hse., designated as Block and Lot 50-B-223, to Ernestine Jones & Guy Jeffries, for the sum of \$1,100.00."

Which was read.

Also,

Bill No. 3461

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Stone

Michelle Madoff Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Robinson (Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens:

I have one comment, I'd like to make Mr. President, some business that has transpired, and I note that Brother Richard Emenecker is in the audience here. If I could have his attention for a minute. There was a showing, a re-showing I should say of Council's Wednesday session that was held over until Friday, and it was aired on Friday at 5:30. Much of the majority of that transmission of that particular replay was cut off. I would like a letter from Brother Richard to explore and investigate as to what had happened, to why the live debate within Council was cut off; and to check to see if there was any editing done of that particular tape; and word in the falsify. Was it our particular transmission facility here within the City-County Building? Was it the transmission facilities at the Warner Cable? What caused this to go off the air and come back on? There seemed to be a file up some place along the line, and then the fact that that most crucial debate on a \$53 million was not so aired; and a valid point that I had brought out is not so given to the people at that particular time. I would like to make a statement at that particular time and getting into the finances of the City of Pittsburgh; and at \$53 million debt service.

Not knowing until that morning

what the actual interest rates were going to be. In fact, that I did vote on the issue, because of the capital projects. The Bloomfield Bridge, the McArdle Roadway, the Pennsylvania Avenue Bridge, our sewer and water lines, and etc. This Councilman had no other choice but to go with the 10.75 percent interest. I was chastised at that particular meeting by the Finance chair, who said, "Through a crystal globe."

I had received information now before me that actually pinpoints the exact costs of borrowing in the March, April, May period versus the August period that we floating these bonds; and as I stated at the Friday meeting. The bonds were around 8 percent, 8 and a half. I'll take 8.75 during this period of time when we could have received them. With that fact in mind looking at the \$53 million and the note that was brought before us the difference between 10.75 —

The Chair:

Mr. Givens if I may, we passed on this legislation. What point are you trying to make?

Mr. Givens:

I'm making a point for the record. For this municipal record to go down and my point is this.

The Chair:

I think you stated that the other day.

Mr. Givens:

My point is this. My point is this. No, I didn't. I asked for these figures, I did not have them or could not have them or could our Finance Department give me these figures. I want to have accurate figures before I made this statement. At 10.75 percent interest the total interest charge to the City of Pittsburgh was \$101 million. When you look at the 8.75 percent interest it was \$83 million would have been charged. The difference being then, Mr. President almost \$18,890,000 some was the extra cost over the long-term of these bonds some 25 years to the taxpayers of the City of Pittsburgh.

Now why was this? The reason that the Controller so stated at that particular meeting was the fact that he was having the books of the City of Pittsburgh audited; and that there was a new CPA firm doing this. Knowing that for the first time in three years the bond market finally got to the point where we could do something about it. The window as you might say of buying was in the March, April, and May time thing. It was not done. I so criticized our Finance Director for not buying bonds at that time. That cost the taxpayers some \$18 million. Even the \$23 million that was refinanced in the old figure 12.34 and the closing cost of \$1.2 some million. The total bottom line had this Council pursue the Administration. We could have saved the taxpayers of the City of Pittsburgh almost some \$20 million. Thank you, Mr. President.

(REPORT ON BOND ISSUE)

Debt Service on \$53,000,000.00 Bonds at
10.75% Interest

Due Date	Interest Rate	Interest Paid	Principal Paid	Total	Outstanding Principal
1983					\$53,000,000.00
March 1984	10.75	\$3,323,100.00	5,000.00		52,995,000.00
Sept. 1984	10.75	2,848,481.25			
March 1985	10.75	2,848,481.25	5,000.00		52,990,000.00
Sept. 1985	10.75	2,848,212.50			
March 1986	10.75	2,848,212.50	5,000.00		52,985,000.00
Sept. 1986	10.75	2,847,943.75			
March 1987	10.75	2,847,943.75	720,000.00		52,265,000.00
Sept. 1987	10.75	2,809,243.75			
March 1988	10.75	2,809,243.75	780,000.00		51,485,000.00
Sept. 1988	10.75	2,767,318.75			
March 1989	10.75	2,767,318.75	845,000.00		50,640,000.00
Sept. 1989	10.75	2,721,900.00			
March 1990	10.75	2,721,900.00	925,000.00		49,715,000.00
Sept. 1990	10.75	2,672,181.25			
March 1991	10.75	2,672,181.25	1,015,000.00		48,700,000.00
Sept. 1991	10.75	2,617,625.00			
March 1992	10.75	2,617,625.25	1,110,000.00		475,900,000.00
Sept. 1992	10.75	2,557,962.50			
March 1993	10.75	2,557,962.50	1,225,000.00		46,365,000.00
Sept. 1993	10.75	2,492,118.75			
March 1994	10.75	2,492,118.75	1,350,000.00		45,015,000.00
Sept. 1994	10.75	2,419,556.25			
March 1995	10.75	2,419,556.25	1,495,000.00		43,520,000.00
Sept. 1995	10.75	2,339,200.00			
March 1996	10.75	2,339,200.00	1,660,000.00		41,860,000.00
Sept. 1996	10.75	2,249,975.00			
March 1997	10.75	2,249,975.00	1,840,000.00		40,020,000.00
Sept. 1997	10.75	2,151,075.00			
March 1998	10.75	2,151,075.00	2,040,000.00		37,980,000.00
Sept. 1998	10.75	2,041,425.00			
March 1999	10.75	2,041,425.00	2,255,000.00		35,725,001.00
Sept. 1999	10.75	1,920,218.75			
March 2000	10.75	1,920,218.75	2,500,000.00		33,225,001.00
Sept. 2000	10.75	1,785,843.75			
March 2001	10.75	1,785,843.75	2,175,000.00		30,450,000.00
Sept. 2001	10.75	1,636,687.50			
March 2002	10.75	1,636,687.50	3,085,000.00		27,365,000.00
Sept. 2002	10.75	1,470,868.75			
March 2003	10.75	1,470,868.75	3,425,000.00		23,940,000.00
Sept. 2003	10.75	1,286,775.00			
March 2004	10.75	1,286,775.00	3,815,000.00		20,125,000.00

Sept.	2004	10.75	1,081,718.75		
March	2005	10.75	1,081,718.75	4,250,000.00	15,875,000.00
Sept.	2005	10.75	853,281.25		
March	2006	10.75	853,281.25	4,375,000.00	11,140,000.00
Sept.	2006	10.75	598,775.00		
March	2007	10.75	598,775.00	5,270,000.00	5,870,000.00
Sept.	2007	10.75	315,512.50		
March	2008	10.75	315,512.50	5,870,000.00	- 0 -
Sept.	2008	10.75	- 0 -		
Totals			101,990,900.00	53,000,000.00	154,990,900.00

Debt Service on \$53,000,000.00 Bonds at
9.75% Interest

Due Date	Interest Rate	Interest Paid	Principal Paid	Total	Outstanding Principal
1983					\$53,000,000.00
March 1984	9.75	\$3,014,375.00	5,000.00		52,995,000.00
Sept. 1984	9.75	2,583,506.25			
March 1985	9.75	2,583,506.25	5,000.00		52,990,000.00
Sept. 1985	9.75	2,583,262.50			
March 1986	9.75	2,583,262.50	5,000.00		52,985,000.00
Sept. 1986	9.75	2,583,018.75			
March 1987	9.75	2,583,018.75	720,000.00		52,265,000.00
Sept. 1987	9.75	2,547,918.75			
March 1988	9.75	2,547,918.75	780,000.00		51,485,000.00
Sept. 1988	9.75	2,509,893.75			
March 1989	9.75	2,509,893.75	845,000.00		50,640,000.00
Sept. 1989	9.75	2,468,700.00			
March 1990	9.75	2,468,700.00	925,000.00		49,715,000.00
Sept. 1990	9.75	2,423,606.25			
March 1991	9.75	2,423,606.25	1,015,000.00		48,700,000.00
Sept. 1991	9.75	2,374,125.00			
March 1992	9.75	2,374,125.00	1,110,000.00		47,590,000.00
Sept. 1992	9.75	2,320,012.50			
March 1993	9.75	2,320,012.50	1,225,000.00		46,365,000.00
Sept. 1993	9.75	2,260,293.75			
March 1994	9.75	2,260,293.75	1,350,000.00		45,015,000.00
Sept. 1994	9.75	2,194,481.25			
March 1995	9.75	2,194,481.25	1,495,000.00		43,520,000.00
Sept. 1995	9.75	2,121,600.00			
March 1996	9.75	2,121,600.00	1,660,000.00		41,860,000.00
Sept. 1996	9.75	2,040,675.00			
March 1997	9.75	2,040,675.00	1,840,000.00		40,020,000.00
Sept. 1997	9.75	1,950,975.00			
March 1998	9.75	1,950,975.00	2,040,000.00		37,980,000.00

Sept. 1998	9.75	1,851,525.00		
March 1999	9.75	1,851,525.00	2,255,000.00	35,725,001.00
Sept. 1999	9.75	1,741,593.75		
March 2000	9.75	1,741,593.75	2,500,000.00	33,225,001.00
Sept. 2000	9.75	1,619,718.75		
March 2001	9.75	1,619,718.75	2,175,000.00	30,450,000.00
Sept. 2001	9.75	1,484,437.50		
March 2002	9.75	1,484,437.50	3,085,000.00	27,365,000.00
Sept. 2002	9.75	1,334,043.75		
March 2003	9.75	1,334,043.75	3,425,000.00	23,940,000.00
Sept. 2003	9.75	1,167,075.00		
March 2004	9.75	1,167,075.00	3,815,000.00	20,125,000.00
Sept. 2004	9.75	981,093.75		
March 2005	9.75	981,093.75	4,250,000.00	15,875,000.00
Sept. 2005	9.75	773,906.25		
March 2006	9.75	773,906.25	4,375,000.00	11,140,000.00
Sept. 2006	9.75	543,075.00		
March 2007	9.75	543,075.00	5,270,000.00	5,870,000.00
Sept. 2007	9.75	286,162.50		
March 2008	9.75	286,162.50	5,870,000.00	- 0 -
Sept. 2008	9.75	- 0 -		
Totals		92,503,775.00	53,000,000.00	145,503,775.00

Debt Service on \$53,000,000.00 Bonds at
8.75% Interest

Due Date	Interest Rate	Interest Paid	Principal Paid	Total	Outstanding Principal
1983					\$53,000,000.00
March 1984	8.75	\$2,705,120.00	5,000.00		52,995,000.00
Sept. 1984	8.75	2,318,531.25			
March 1985	8.75	2,318,531.25	5,000.00		52,990,000.00
Sept. 1985	8.75	2,318,312.50			
March 1986	8.75	2,318,312.50	5,000.00		52,985,000.00
Sept. 1986	8.75	2,318,093.75			
March 1987	8.75	2,318,093.75	720,000.00		52,265,000.00
Sept. 1987	8.75	2,286,593.75			
March 1988	8.75	2,286,593.75	780,000.00		51,485,000.00
Sept. 1988	8.75	2,252,468.75			
March 1989	8.75	2,252,468.75	845,000.00		50,640,000.00
Sept. 1989	8.75	2,215,500.00			
March 1990	8.75	2,215,500.00	925,000.00		49,715,000.00
Sept. 1990	8.75	2,175,031.25			
March 1991	8.75	2,175,031.25	1,015,000.00		48,700,000.00
Sept. 1991	8.75	2,130,625.00			
March 1992	8.75	2,130,625.00	1,110,000.00		475,900,000.00

Sept. 1992	8.75	2,082,062.50		
March 1993	8.75	2,082,062.50	1,225,000.00	46,365,000.00
Sept. 1993	8.75	2,028,468.75		
March 1994	8.75	2,028,468.75	1,350,000.00	45,015,000.00
Sept. 1994	8.75	1,969,406.25		
March 1995	8.75	1,969,406.25	1,495,000.00	43,520,000.00
Sept. 1995	8.75	1,904,000.00		
March 1996	8.75	1,904,000.00	1,660,000.00	41,860,000.00
Sept. 1996	8.75	1,831,375.00		
March 1997	8.75	1,831,375.00	1,840,000.00	40,020,000.00
Sept. 1997	8.75	1,750,875.00		
March 1998	8.75	1,750,875.00	2,040,000.00	37,980,000.00
Sept. 1998	8.75	1,661,625.00		
March 1999	8.75	1,661,625.00	2,255,000.00	35,725,001.00
Sept. 1999	8.75	1,562,968.75		
March 2000	8.75	1,562,968.75	2,500,000.00	33,225,001.00
Sept. 2000	8.75	1,453,593.75		
March 2001	8.75	1,453,593.75	2,175,000.00	30,450,000.00
Sept. 2001	8.75	1,332,187.50		
March 2002	8.75	1,332,187.50	3,085,000.00	27,365,000.00
Sept. 2002	8.75	1,197,218.75		
March 2003	8.75	1,197,218.75	3,425,000.00	23,940,000.00
Sept. 2003	8.75	1,047,375.00		
March 2004	8.75	1,047,375.00	3,815,000.00	20,125,000.00
Sept. 2004	8.75	880,468.75		
March 2005	8.75	880,468.75	4,250,000.00	15,875,000.00
Sept. 2005	8.75	694,531.25		
March 2006	8.75	694,531.25	4,375,000.00	11,140,000.00
Sept. 2006	8.75	487,375.00		
March 2007	8.75	487,375.00	5,270,000.00	5,870,000.00
Sept. 2007	8.75	256,812.50		
March 2008	8.75	256,812.50	5,870,000.00	
Sept. 2008	8.75	- 0 -		- 0 -

Totals	83,016,120.00	53,000,000.00	136,016,120.00
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(END OF REPORT)

Mr. Robinson:

Mr. President, I'd like to submit a report from the trip I recently took to Hartford, Connecticut to attend a program called "Project Need It New Enterprise and Economic Development Initiatives Today."

(REPORT SUBMITTED BY MR. ROBINSON)

August 15, 1983

PROJECT NEED IT NEW ENTERPRISE
AND ECONOMIC DEVELOPMENT
INITIATIVES TODAY

August 11-12, 1983

Hartford, Connecticut

As Chairman of Planning, Housing
and Development, I attended this

conference, sponsored by the Entrepreneurship Institute, to explore and become better educated relative to the development of new business ventures and economic development projects.

Topics such as "Methods for Launching Innovative Technology-Based Enterprises," "How to assist Minorities and Women to Participate in Entrepreneurship" and "How to Finance for Growth" were just a few of the topics discussed.

More detailed information is available upon request.

Respectfully submitted by

William Russell Robinson
Councilman,
Chairman, Planning, Housing and
Development

(END OF REPORT)

Mr. O'Malley presents

Bill No. 3575 WHEREAS,
Temperanceville is a viable and growing
community; and

WHEREAS, the residents of this
West End community have worked
together to restore it to its original turn-
of-the-century atmosphere; and

WHEREAS, many new businesses
have been started in Temperanceville
over the past few years; and

WHEREAS, the efforts of the
people of Temperanceville have
transformed this neighborhood from an
area of urban decay into one of the most
promising areas in the city; and

WHEREAS, the Temperanceville
Festival will be the week of August 15,

1983.

NOW, THEREFORE,

BE IT RESOLVED, that the Council
of the City of Pittsburgh wish to declare
the week of August 15, 1983 through
August 19, 1983, Temperanceville Week.

Mr. O'Malley moved to adopt the
Resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I would like to
schedule, if you would please, a post
agenda between Mr. Maloney and Mr.
Lou Gaetano with reference to the
incline bridge going up to Mount
Washington. It is in a state that could
collapse momentarily; it is very
dangerous.

It appears that there is a
dichotomy between the Port Authority
and the City as to who would be
responsible, which is why the Port
Authority is hesitating, and, therefore,
Lou Gaetano's hands are tied.

The reason I want to do it in public
is that Port Authority is saying, Mr.
Maloney is saying, that if the City will
take over some other property, then
they'll do this property. They want to do
a quid pro quo. Well, if they start
negotiating privately, and they have been
for some time, that bridge could collapse
and somebody could get hurt
momentarily. I wish it was brought to
my attention earlier and we would not be
doing this while it's on vacation.

Would you please, Linda, get a
note, a transcript of this little piece of
the hearing today, to Mr. Lou Gaetano

and to Mr. Maloney and ask them to please meet so that nobody is hurt because it is now a matter of public record that someone could be hurt on that little bridge going to the incline and would they please resolve the problem. If it is not resolved by the time we get back in the fall, would you please ask our President to schedule a post agenda.

Thank you.

Mr. Stone:

Mr. President, if I may, we had a discussion relative to adult group homes. I'm proposing a motion on behalf of Mr. Woods and myself, and that motion is as follows: To direct the City Solicitor file an immediate injunction versus all parties operating group homes without prior City authority; and to enjoin all parties proposing, planning, or attempting themselves or with group homes already in the City of Pittsburgh to violate the City's zoning ordinance relative to group homes; and finally an injunction versus all parties presently operating group homes in excess of the authority of their present conditional use and versus those individuals, including a citation and possible ratification of their conditional use.

Also, I would like a report back to this Council by September 6, 1983. It is our belief that the City has been supportive of the group home concept, and as a reward for its responsiveness, it should not become the junkyard of abusive use, nor the addition of facilities, especially those illegal.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. Woods, I believe you were the

one that introduced the bill, and I think it all started with the youngster that was brought to your house, and I think you've done a commendable job. I've been contacted by one of the group home people who housed the half-way houses. They are even more restrictive than you you've even asked. In other words, it is not just a matter if they get caught with the crime. If they violate the house rules, they're sent right back from whence they came; and they would like to meet with you. The gentleman's name is Jim Murphy, and he agrees with you. He believes that he's a resident of the City, and even though he works for the state, that if those houses are going to be in the City, they should house only City people who are offenders; and he would like to talk with you about it.

Mr. Woods:

I thank you. I'm more than happy to talk with him.

Michelle Madoff:

He would be a strong supporter of that position, I believe.

Mr. Robinson moved to excuse Mrs. Masloff for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

No, I don't move on that. I object.

Mr. Givens moved to approve the minutes of Monday, August 1, 1983.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Mr. Stone moved to adjourn this meeting

and to meet again Tuesday, September 6,
1983 at 2:00 p.m.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council Adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Tuesday, September 6, 1983

No. 34

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, September 6, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3576 Resolution amending Res. No. 1377, eff. 12/31/81, providing for a warrant to Stanley Magic Doors by reducing the amount from \$3,500.00 to

\$3,120.00 payable from CDLB 81, Access By Handicapped, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 3577 Resolution amending Res. No. 522, providing for a Contract/s or the use of existing Contracts in connection with Public Property Sidewalks and providing for the payment of the cost thereof, by reducing the authorized amount from \$135,000.00 to \$100,000.00 payable from Code Account CDLB 80-14 and CDLB 81-09.

Also,

No. 3578 Resolution amending Res. No. 643, eff. 7/13/81 by reducing the costs from \$120,000.00 to \$105,270.20 for removal of architectural barriers at Three Rivers Stadium, Public Buildings Access By Handicapped, Dept. of Lands and Buildings, payable from Code Account CDLB 81-08.

Also,

No. 3579 Resolution amending Res. No. 1046, eff. 10/19/82 amending Res. No. 367, 4/30/82, by reducing the project cost from \$5,000.00 to \$3,459.50, for site improvements at 13th Ward War Memorial, payable from 1981 CDBG, Unspecified Local Option, 4-40-05-2011-81-921-81-25.

Also,

No. 3580 Resolution amending Res. No. 558, eff. 7/15/83, which presently reads: "Authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein"; by correcting Block and Lot Numbers.

Also,

No. 3581 Resolution providing for an Agreement/s for Architectural/Engineering services in connection with the relocation of the Dept. of Water, Service Line Operation Section and Meter Shop at a cost not to exceed \$3,000.00 chargeable to and payable from LB 83-17 (4-25-15-0005-83) Engineering Services, Dept. of Lands and Buildings.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3582 Resolution providing for a Contract or Contracts for the Reconstruction of Fourth Avenue from Wood Street West for a distance of 375 ft.±, including work on private property and other work incidental thereof, at a cost not to exceed \$225,000.00, for a distance of 375 feet plus or minus, payable from Code Account PW 83-37, 4-01-01-0119-83.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the

Agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3583 Resolution providing for the issuance of a warrant in favor of Ram Construction Company by increasing the original contract price from \$361,955.00 to \$384,376.94 for extra work in connection with the removal of the Rock Slide from Saw Mill Run Boulevard, payable from Code Account PW 82-28, Saw Mill Run Rock Slide. Prior approval granted by Council Bill No. 3479, dated August 11, 1983.

Also,

No. 3584 Resolution providing for the issuance of a warrant in favor of Richardson, Gordon and Associates in the amount of \$23,814.83 in payment for Professional Engineering Services furnished for the benefit of the City in connection with the Toxic Waste Investigation at Pier 4 of the Bloomfield Bridge, Phase II, chargeable to and payable from Code Account PW 82-12, 4-01-05-0424-82, Bloomfield Bridge, Demolition, Design and Replacement. Prior approval granted by Council Bill No. 3478, dated August 11, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 3585 Resolution providing for the issuance of a warrant in favor of D.M.K., Inc. in the amount of \$36,340.00 in payment for an Emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the right-of-way between Rosegarden and Crestview Roads in the

29th Ward, payable from Code Account PW 83-17, 4-01-25-0753-83, Sanitary Sewers in Various Locations. Prior approval granted by Council Bill No. 3477, dated August 11, 1983.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the Agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3586 Resolution transferring the amount of \$5,000.00 from Code Account 1612, Materials to the following Code Accounts in the amounts specified: 1612-1, Repairs - \$2,500.00, and 1612-2, Equipment - \$2,500.00.

Which was read and referred to the Committee on Finance.

Also,

No. 3587 Resolution repealing Res. No. 488, appr. May 18, 1982, eff. May 26, 1982, entitled, "Providing for a Contract or Contracts for the furnishing, delivery and installation of doors for the rehabilitation of the proposed Second Division Building located at the old Don Allen Building, and other work incidental thereto, at a cost not to exceed \$15,000.00 chargeable to and payable from Code Account PW 82-22, 4-01-30-0001-82, Misc. Repairs to Streets and Structures."

Also,

No. 3588 Resolution providing for the taking of property in the 8th Ward of the City of Pittsburgh, owned by Salvadore A. Visconti and Mary E. Visconti, for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto.

Also,

No. 3589 Resolution amending Res. No. 959, appr. June 26, 1981, eff. July 2, 1981, entitled, "Taking, appropriating and condemning by the City of Pgh. for public road easement purposes, certain property of Mr. William Rauker, situated at the Northwest intersection of Spring Garden Ave. and Vinial St. in the 24th Ward of the City of Pgh.; by authorizing the Director of the Dept. of Public Works to acquire and control said property at a cost not to exceed \$2,500.00 payable from Code Account PW 81-39.

Also,

No. 3590 Resolution amending Res. No. 1327, appr. Dec. 15, 1982, eff. Dec. 23, 1982, entitled, "Providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the rehabilitation of a portion of Ft. Pitt Boulevard - Eastbound; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by \$60,000.00, payable from Code Account PW 81-38, 4-01-35-0003-81 - \$92,000.00, and PW 83-07, 4-01-05-0001-83 - \$60,000.00, total cost not to exceed \$152,000.00.

Also,

No. 3591 Resolution further amending Res. No. 1352, appr. Dec. 22,

1982, eff. Dec. 31, 1982, as amended by Res. No. 352, appr. May 18, 1983, eff. May 27, 1983, entitled, "Providing for an Agreement or Agreements with Pgh. Testing Laboratories for the Inspection of Fabricated Structural Steel in connection with the P.J. McArdle Bridge, Phase II; and providing for the payment of the cost thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation from \$22,000.00 to \$30,000.00 payable from Code Account PW 81-38, 4-01-35-0003-81, Engineering Service Contracts.

Also,

No. 3592 Resolution amending the Title and Section No. 2 of Res. No. 1023, appr. Sept. 28, 1982, eff. Oct. 14, 1982, entitled, "Providing for the purchase from Josephine Schroeffer, 28 Bly Street, Frieda Jackson, 155 Brahm Street, Joseph Hartman, 30 Bly Street certain property in the 26th Ward of the City of Pgh. by adding certain language providing for all additional costs thereof."

Also,

No. 3593 Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by amending the title of a line item, creating a new line item, redefining the funding sources and adjusting and Summary Totals.

Also,

No. 3594 Resolution amending Res. No. 290, appr. April 18, 1983, eff. May 3, 1983, entitled, "Providing for a

Contract or Contracts, or use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for street lighting in the City of Pgh.; and providing for the payment of the cost thereof," by increasing the total project allocation by \$20,000.00 payable from Code Account PW 83-12, 4-01-10-0005-83, \$270,000.00 and CDPW 83-12, 4-01-10-0005-83-41-83-01, \$200,000.00. Total cost not to exceed \$470,000.00.

Also,

No. 3595 Resolution amending Res. No. 1226, appr. Nov. 15, 1982, eff. Dec. 3, 1982, entitled, "Vacating Calvin Street and Garden Way from 44th Street to their easterly termini in the 9th Ward of the City of Pgh. accepting and reserving an easement for the six (6) inch waterline located in Calvin Street, by deleting the phrase, "Accepting and reserving an easement for the sixth inch waterline located in Calvin Street."

Also,

No. 3596 Resolution vacating Frost Way from Hillsboro Street to its Northerly terminus (162.03'+), in the 20th Ward of the City of Pittsburgh.

Also,

No. 3597 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Casey Company for Extra Work in connection with the Reconstruction of the P.J. McArdle Roadway and Bridge, Phase II, at a cost not to exceed \$16,000.00 payable from Code Account PW 80-14, McArdle Roadway, Design and Rehabilitation.

Also,

No. 3598 Communication from

Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Dick Corp. for Extra Work in connection with the City of Pgh. Asphalt Plant, at a cost not to exceed \$664.00 payable from Code Account PW 81-33, Asphalt Plant.

Also,

No. 3599 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting permission for himself to attend the 1983 Pennsylvania Snow and Ice Control Workshop in Allentown, Pa., Sept. 26-29, 1983, at a cost not to exceed \$370.00 payable from Code Account No. 1610, Misc. Services, Bureau of Operations, Dept. of Public Works. Permission to use City vehicle is also requested.

Also,

No. 3600 Communication from James N. Walker, Director, Dept. of Environmental Services, requesting permission for Robert Lewis and Phyllis Gibson to attend the Pennsylvania Vector Control Association annual meeting in Harrisburg, Pa., at a cost not to exceed \$700.00 on September 14-16, 1983, payable from the Rodent Control Program Trust Fund.

Also,

No. 3601 Communication from the residents of the 4800 and 4900 Blocks of Coleridge Street, City of Pittsburgh, requesting repavement of Coleridge Street.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3602 Resolution providing for a Contract or Contracts for the Purchase

of Seven (7) Gas Chlorinator, at a cost not to exceed \$32,000.00 chargeable to and payable from Capital Budget Account No. WD-83-02 (4-05-05-0200-83), Dept. of Water.

Also,

No. 3603 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting permission for J. Thomas Bruecken to attend a workshop on Revising the Drinking Water Regulations in Philadelphia, PA, September 21-23, 1983, at a cost not to exceed \$325.00 payable from Code Account No. 1701, Misc. Services, Administration Division, Dept. of Water. Permission is also requested for use of City vehicle.

Also,

No. 3604 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting permission for Stanley States and John Kuchta to attend a Detection of Legionnaires' Disease in the Community Hospital: Clinical and Laboratory Approaches seminar at the Hyatt Pittsburgh on September 23, 1983, at a cost not to exceed \$120.00 payable from Code Account No. 1701, Misc. Services, Dept. of Water.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3605 Resolution authorizing the issuance of a warrant in favor of Gulli Contracting Company in the amount of \$11,000.00 in payment for removal of poor clay material, replacement with slag and 30' of drain pipe at Friendship Park, payable from Friendship Park Trust Fund, Dept. of Parks and Recreation. Prior approval by Council Bill on July 18, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 3606 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with construction work at South Side Riverfront Park, at a cost not to exceed \$20,000.00 payable from Project Code South Side Riverfront Trust Fund.

Also,

No. 3607 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with the general contract for the renovation of Phipps Conservatory - Phase I, Fern and Victoria Regia Rooms, at a cost not to exceed \$1,860.00 payable from Project Code Phipps Conservatory Trust Fund.

Also,

No. 3608 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Robert Wagner to attend the Annual Conference of the American Association of Zoo Veterinarians in Tampa, Florida, October 23-27, 1983, at a cost not to exceed \$860.00 payable from Code Account 1852, Misc. Services.

Also,

No. 3609 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting permission for Pauline Penix, to attend Camp Kon-O-Kwee Senior Citizens Camp trip on September 7-9, 1983; permission also requested for Mary Alice Sherred to attend Camp Kon-O-Kwee on

the second Senior Citizens camping trip September 12-14, 1983; permission also requested for Rose Luongo, Michael Senko and Ron McPherson to visit Camp Kon-O-Kwee on Sept. 8 and Sept. 13, 1983. No cost to be incurred by the City. Permission requested for use of City vehicle. Prior approval granted.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3610 An Ordinance supplementing the Pittsburgh Code, Title Five - Traffic, Article I - Administration, Chapter 503 - Enforcement and Control, by adding Section 503.21, Use of Speed Timing Devices.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3611 Resolution authorizing the URA of Pgh. to file an application with the Commonwealth of Pa., Dept. of Community Affairs, for the Urban Homesteading Program, for the reallocation of funds in the amount of \$250,000.00.

Also,

No. 3612 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of two commercial buildings at 23 Market Place (Block and Lot 1-D-127) and 25 Market Place (Block and Lot 1-D-130) in the Market Square Historic District in the 1st Ward.

Also,

No. 3613 Resolution providing for

the Issuance of a Certificate of Appropriateness for construction of new residential buildings at 1323 Pennsylvania Avenue (Block and Lot 22-P-165) and 1234-1242 Sheffield Street (Block and Lot 22-R-124 through 128) in the Manchester Historic District in the 21st Ward.

Also,

No. 3614 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of several residential properties in the Manchester Historic District in the 21st Ward.

Also,

No. 3615 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structure at 404 North Taylor (Block and Lot 22-K-62) in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3616 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting permission for himself to attend a workshop sponsored by the American Institute of Certified Planners in Chicago, Illinois on October 2-4, 1983, at a cost not to exceed \$800.00 payable from Code Account CDPA 1982, 4-35-01-0001-82-49-82-35.

Also,

No. 3617 Communication from Paul C. Brophy, Executive Director, URA of Pgh. submitting a report titled, "Position and Salary Report", as of June 30, 1983, consisting of names, positions and salaries of all employees of the said Authority as of June 30, 1983.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3618 Resolution providing for the issuance of a warrant in favor of Joseph S. Hornack, Esq. in the amount of \$10,467.50 in payment for legal services in connection with Smaller Manufacturers Council, et al v. The Council of the City of Pittsburgh, et al, payable from Code Account No. 1075, Misc. Services, Dept. of Law.

Also,

No. 3619 Resolution providing for the issuance of a \$1,001.70 warrant in favor of Wallace Baker for automobile damage by a City Police vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 3620 Resolution transferring the sum of \$6,000.00 between code accounts within the Dept. of City Controller, from Code Account 1051, Equipment to Code Account 1049, Supplies to provide sufficient funds to cover current and future expenditures for the remainder of 1983.

Also,

No. 3623 Resolution amending Res. No. 35, appr. Jan. 31, 1983, eff. Feb. 7, 1983, entitled, "Providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's Medical Examination Program for Police Officer Candidates, Firefighter Candidates, and other candidates for employment and promotion by increasing the amount from

\$50,000.00 to \$56,000.00 payable from D.C. No. 1100, Misc. Services, Dept. of Personnel and Civil Service Commission."

Also,

No. 3624 Resolution amending Res. No. 34, appr. Jan. 31, 1983, eff. Feb. 7, 1983, entitled, "Providing for an Agreement or Agreements with Joseph M. Mazzei M.D., for professional services in connection with the examination of candidates for employment as Police Officers, Firefighters, Paramedics, School Crossing Guards, and extra helpers, by increasing the amount from \$8,000.00 to \$8,600.00 payable from Code Account No. 1100, Misc. Services, Dept. of Personnel and Civil Service Commission.

Michelle Madoff:

May I make a comment at this time?

The Chair:

Certainly.

Michelle Madoff:

I've had a person contact my office who took the psychological test and flunked it who had been in the service in Korea, I believe, and was a police officer there. I suggested that he go to a private psychologist and the psychologist said that he was qualified. I then said, "Why don't you go to two psychologists?"

I'm going to ask our Clerk to please get me a list from Melanie Smith of everybody who flunked the test. I want their numbers and addresses. I want to give them the opportunity on their own to go to two private psychologists. I want it double-checked

to see that it says it is standardized, I forget the name of the test but it's a standardized test, and if, indeed, they are found to be suitable, then this Council can act at that point and we can refund the cost to the psychologists. If they go to the psychologist and the psychologist privately says you're not qualified, then that's at their own risk. If not, then I think we have some grounds to stand on because there is something not kosher in Denmark.

The Chair:

You make a good point because they're turning down entirely too many prospects.

Michelle Madoff:

Eighty percent.

Also,

No. 3625 Resolution providing for an Agreement or Agreements between the City of Pittsburgh along with the School District of Pgh. or the County of Allegheny or both, and Real Estate Appraisers, Certified Public Accountants and Economists, for professional and consulting services in connection with tax assessment cases, at a cost not to exceed \$35,000.00 payable from Code Account No. 1075, Misc. Services, Dept. of Law.

Also,

No. 3626 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, requesting interim approval for payment to Moore Business Forms, Inc., for preliminary work on tax forms, at a cost not to exceed \$518.18 payable from Code Account No. 1063, Misc. Services, Dept. of Finance.

Michelle Madoff:

Could you check to see if that went to bid?

Mr. Stone:

I don't want to interrupt here but these bills are now being presented here. They're really not for discussion. I didn't want to interrupt before, I thought it would just pass, but I think when you're presenting bills, you present them, and then when they come to Wednesday's session we pick them up. Otherwise, we're going to start an opening of a practice here which heretofore has not been condoned.

The Chair:

You're right, Mr. Stone, with the exception that she was asking if there was a bid and I think it was entirely in order. Discussing the bills is not.

Michelle Madoff:

Excuse me. The reason I am discussing the bill under question as it is being read and not an irrelevant or a bill that has nothing to do with the subject matter of the day is that when we get to Wednesday, unfortunately, the Ayatollah does not give us enough time to ask question. So, if I have the information in advance, I cannot be accused of not doing my homework. The Ayatollah Stone I'm referring to.

Also,

No. 3627 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting permission for Constance Wellons, Alma Fox, and John Gabriel to attend the Commissioner/Executive Directors Seminar on Fair Housing in Harper's Ferry, West Virginia on September 20-23,

1983, at a cost not to exceed \$1,200.00 payable from HUD-FHP Trust Fund.

Also,

No. 3628 Communication from John E. Gabriel, Director, Commission on Human Relations, requesting permission for Sofronia Harris to attend a conference sponsored by the International Association of Human Rights Agencies in Arlington, Virginia, October 2-7, 1983, at a cost not to exceed \$750.00 payable from the EEOC Trust Fund.

Also,

No. 3629 Communication from Norbert C. McDermott, Jr., Comptroller, Allegheny County Sanitary Authority, submitting a list of the Authority's personnel as of June 30, 1983.

Also,

No. 3630 Communication from Dante Pellegrini, City Solicitor, Dept. of Law, submitting a report summarizing settlement claims not exceeding \$750.00 for the Second Quarter of 1983, payable from Code Account No. 1801, Petty Claims. Also, submitting a report summarizing settlement claims in excess of \$750.00 for the Second Quarter of 1983, payable from Code Account No. 46, Judgments.

Also,

No. 3631 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of July 31, 1983.

Also,

No. 3632 Resolution providing for

the issuance of a warrant to Erie Insurance Exchange, care of Scott D. Glassmith, Esquire, in the amount of \$1,887.00, for refund of purchase price of vehicle sold in error at Public Auction, payable from Code Account No. 32, Refunds, Protest Towing and Storage Charges.

Which were severally read and referred to the Committee on Finance.

Mr. DePasquale presented

No. 3633 Petition from the members of Fairwood Citizens Council, Inc. and the residents of the Fairwood Community, City of Pittsburgh, requesting a public hearing asking the City Council to assist Fairwood Community by providing jobs and job training opportunities and by scheduling Fairwood for physical and safety improvements.

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

The Chair:

Mr. Givens, are you going to bring up the appeal? That comes under Motions and Resolutions.

Mr. Givens:

No. This is on Unfinished Business. I have a remark for Mike Perry on that. It has to do with the bill itself.

Mike, I can recall making certain remarks to you or whoever was sitting in the meetings where the passage of the plant closing bill had come up. There were certain clerical errors in that bill that I had noted on the Wednesday session, and again on final passage on the

Monday session. I had asked in your absence that Linda try to investigate to find out if, in fact, I did say what I thought I had said and that was to correct those errors.

I would ask that you report back to this Council and to myself. For example, we had a graduated scale. The final bill's version still was using the one year terminology. There were a couple other clerical errors that I asked to be corrected. They were never corrected so that bill still stands in an uncorrected form as far as some of those procedures when we went from the one version of the bill to the other version of the bill. As I read that bill, I so noted it and so asked that it be changed and there was no discussion as to the merit of that or not other than it should have been changed and the final version that you should have now should so reflect that. I picked it up again when it went to the courts and the courts, again, still have the original bill uncorrected.

I ask that that be looked into and if you could please report back to me I'd appreciate it.

MOTIONS AND RESOLUTIONS

Mr. O'Malley presents

Bill No. 3634 WHEREAS, Community Action Pittsburgh was awarded a \$1.5 million Community Services Block Grant by the state of Pennsylvania; and

WHEREAS, the state wants to redistribute this money that was originally slated to help the poor of the City of Pittsburgh; and

WHEREAS, the poor of the City of Pittsburgh need and deserve this money; and

WHEREAS, the Hill House will be administering the Anti-poverty Program in 1984; and

WHEREAS, they would use this money to help the poor and needy of Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh stongly urge Governor Richard Thornburgh to take action and to freeze this \$1.5 million grant which Pittsburgh has been allocated and deserves, and to add it to the Pittsburgh's 1984 Community Services Block Grant.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Mr. Givens:

Discussion. Jim, I have no fault with what you're trying to do but is there not a contractual relationship with Community Action Pittsburgh and that of the Commonwealth of the State of Pennsylvania? I know you're just encouraging, strongly urging the Governor, to do this. That money I know is being withheld and has been withheld and the poor are suffering because of it. I think this is a contractual relationship and one has to go through issuing by this City.

Mr. O'Malley:

My understanding of this, Dick, is that we're asking the Governor not to penalize the people of the City of Pittsburgh by taking that \$1.5 million that was allocated to CAP that was lost in the transition from the closing of Community Action Pittsburgh to the start up of the Hill House. This money

was earmarked for Pittsburgh in 1983 because that transition period between the start up of the Hill House this money may be lost and they're going to take it away from us and put it in a general pot and redistribute it throughout the Commonwealth. What we're asking for was originally designated for Pittsburgh in '83, just give it to us in '84 and let us distribute it to our people.

Mr. Givens:

Is there not a contractual relationship between — Community Action Pittsburgh is not a defunct organization to my knowledge. This Councilman, as well as other Councilmen, has asked both this Council and the Mayor to sit down and try to discuss some of the problems that we are having. I have sent a letter over to the Mayor's Office requesting this, that this Council and the Mayor meet to say how this money is to be distributed and how we're to handle the affairs of Community Action Pittsburgh. What are we going to do? There has been no answer to my letters and there has been no action from this Council. I appreciate what you're trying to do here right now. I think there is even a greater problem than what this particular resolution is trying to say. I'm trying to say that this money is going to come in year after year after year. There are poverty designation. You are taking it from the people although you might want to administer from this resolution to the Hill House which is an agency for anti-poverty program. That has to be a contractual relationship. That has to be approved by this Council and the Mayor, whoever gets it. I think Bill Robinson and myself and some other colleagues here have been fighting on that particular issue not just now but for months and years to try to get the Administration and this Council to move forward on this to try to straighten up some of the problems that we have down

there.

Mr. O'Malley:

That's all we're saying. The \$1.5 million that was designated for Pittsburgh, don't take it away from us. Let us have it and let it be distributed through the Hill House. That's all the resolution is saying.

Mr. Givens:

You're saying hold it for 1984, Jim. I just saw this when I came out here today. Is there anything that would preclude the Governor from being able to hold onto this money and give it to us in '84 if we do not spend it in 1983 and if we do not spend it through that action agency, Community Action Pittsburgh?

Mr. O'Malley:

My understanding was that the money that was not spent by CAP because of the problems that CAP encountered. Because of the transition period, from the closing of CAP to the start up of the Hill House, there's \$1.5 million that was not spent that was allocated to the City of Pittsburgh. Under the federal rules and guidelines, if the money is not spent then it goes back into the general fund and is redistributed throughout the Commonwealth. What we're saying is let us keep the money for any programs that we deem will benefit the poor and the needy of the City of Pittsburgh once the programs are back in place in 1984. What we're saying is let us keep our own money.

Mr. Givens:

Well, I guess my only comment to that is, why are we in this position that we're in today?

Michelle Madoff:

Who knows?

Mr. Givens:

Why are we in this position when, in fact, there are Councilpeople who are sitting here today that have asked the Administration to move off of dead center on this issue. There are Councilpeople here who sit on Community Action Pittsburgh Board, all with the exception of one or two, and we have tried in vain with the Administration to do something about this particular situation. I'm very concerned that the needy people that are out there that they're not being administered. There's money in the time frame --

Michelle Madoff:

That's what he's trying to do.

Mr. Givens:

No, in the '83 time frame, Michelle, when they need it.

Michelle Madoff:

But it didn't happen and he's trying to save it so we don't lose it entirely.

Mr. Givens:

The CD funds in '84 are not administered until May of 1984. I hope everyone is appreciative of that fact.

Michelle Madoff:

It's better than nothing.

Mr. Givens:

I agree it's better than nothing.

Michelle Madoff:

Then let's vote on it. Call the vote.

The Chair:

Mr. O'Malley, could you reword that to say 1983 because we still have four months to go.

Mr. Givens:

I'm in fight for this money right now --

The Chair:

I doubt if we're going to get it for '83 but --

Mr. O'Malley:

What are you asking, Sir?

The Chair:

Mr. Givens is saying is that we need it now. You're saying as of January, '84. I'm saying could you reword it to state that the money be available as soon as possible, preferable in '83. We're talking about four or five months of people unemployed and we may be able to put someone back to work if we get that money.

Mr. O'Malley:

I think it's immaterial but it doesn't make any difference. I don't think the programs are in place that the money could be allocated and used for '83.

The Chair:

You will state '83 though?

Mr. O'Malley moved to amend the resolution by changing 1984 to 1983.

Mr. Stone seconded the motion.

Which motion prevailed.

The Chair:

Does anybody care to rescind their vote?

The resolution carries.

Michelle Madoff:

Mr. President, I have a number of items. I'll try to be very brief.

I would like to have a letter go to the Mayor having him invite the Allegheny Conference to give us the services they have in the past, as they the State, I think it's called either Compep or Compact, to review two departments, two issues.

One is the Director Jacoby of Supplies with reference to the unauthorized purchases. I've done a little personal investigating and it is my gut feeling that there were two people used, one of their surfaces was scapegoating. They took the fall, they took three days off, and a lot of faces were saved. I think we need someone to go through that Department to make sure that Mr. Jacoby is capable of not only carrying on the policies that took place before but instituting some new policies, not just saying that he's going to do it. All of can use help, even me, and I'm sure you could, Mr. DePasquale. We all need to learn something new every day. The Allegheny Conference has some of the brightest minds and in the past when they have been asked to come into Departments by the Mayor, there were certain Departments they were never allowed into. I presume those are

the Departments where we have a lot of patronage and we don't want anybody telling us how to run them efficiently.

What I'm asking is an efficiency expert kind of review be done on the Supplies Department, sitting down with Mr. Jacoby, finding out what he plans to do and how to make that Department more efficient so that we don't have a reoccurrence of what has transpired with unauthorized purchases for thousands of dollars.

I also would like Compact or Compep, whatever they decide to call themselves this trip, the Allegheny Conference, review for us why we could not go out into the bond market at eight and a half percent and waited until it was ten and a half percent because our books were being audited, whether that made any difference whatsoever. We knew we needed the money, we knew there was going to be a window. When somebody comes to us and says, "Isn't it wonderful, I got a ten and a half percent interest, we're saving on the old monies that we had at lesser money", I'm not impressed when I know what I'm getting. I'm getting very little on my money market because money is down. It was down even lower. And it is going up now. There is no excuse that I can accept for not having gone out earlier.

I would like to have that substantiated. I want the Allegheny Conference -- This Council has not voted for those who are supporting me, Mr. Givens. You did not vote, I believe, for a fiscal advisor for this Council? That's why we're in the mess we're in now. If we had a fiscal advisor, they could have told us whether that was the proper thing to do by going out when it was eight and a half percent, whether auditing the books really was a factor or not.

Those are two things I would like

to request the Mayor to do and I would like a copy of my letter to go to Bob Pease of the Allegheny Conference and Justin Horan of the Chamber. I want a copy of that letter.

I would also like to have a letter sent to Superintendent Coll --

Mr. Flaherty:

Point of information, Michelle. Are you putting each of the issues in a form of a resolution?

Michelle Madoff:

No. What I'm doing is requesting that letters go out and then I'll follow up on it if a resolution is necessary. I want to give them the option. I would assume that any member of Council can request a letter to go to the Mayor. Is that not correct?

The Chair:

Certainly.

Michelle Madoff:

Then if I don't get a response, which I probably won't because I generally don't, then I will take it from that point.

I also would like to have a post agenda with Superintendent Coll. There are too many trucks on the roads with dirty license plates so that you can't even read the license plates, that have no tarpaulins. There's a state law requiring that trucks have tarpaulins. The roads are not only dangerous but I have been splashed by gravel and large size pieces of stones hitting my windshield which is now very badly scratched. Somebody is responsible. I want to see that something is done.

I want a post agenda with Lou Gaetano about paving this street right out front, Fourth Avenue. I am tired of replacing six wheels on a car that has 26,000 miles. This is insanity. If we have to temporarily asphalt it over, I want it done.

Mr. Givens:

Which part of Fourth Avenue?

Michelle Madoff:

Right here on Grant Street. Right on the street. You can't miss it. If you have a small car, as I do, you end up in a hole and the whole alignment is out. The whole street needs to be done but I want to get some of the bad areas taken care of.

This week in the paper we had an issue on litter, a letter on litter. I for one am going to contact the Clean City Committee and I'm going to go on record that they do not get one dime voted from me and I would hope my other colleagues would reconsider the fact that I am tired of advertising in great commercials and great PR. Until we do what other cities are doing, and that is enforce the laws — when somebody rides the bus and arrests somebody for eating a peanut as opposed to getting on our busses and you sit down and people have sat down with pizzas on our busses — until we have some kind of enforcement action, it is meaningless. I want that money spent for a cadre of inspectors who will be authorized to go out and give citations. They can do that with noise boxes. I don't believe it's unconstitutional. If somebody were driving a car and they were drunk, they take the car and impound it for the evening. If some kid is walking down the street with a noise box blasting, take it for twenty-four hours, do not keep it, just make him come back and get it so he knows he has to keep the noise down.

I want some enforcement in this City as opposed to a lot of rhetoric. It's been five and a half years, that I know of, of rhetoric. I'd like a little enforcement.

The Chair:

Michelle, to be honest about it, I believe the Clean City Committee has come a long way but we're never going to have a Utopia or an absolutely clean city. You know it and I know it. But I think they've made people a lot more concerned and careful.

Michelle Madoff:

And it's dirtier.

The Chair:

I see people picking stuff up and throwing it in the receptacles where they didn't before, they just threw it down and walked away.

Michelle Madoff:

Mr. DePasquale, I'd like to take you for a ride, not a one-way ride —

The Chair:

I'm not arguing with you. I know there's parts of town that need to be cleaned up. I'm just saying that they've come a long way from what it was when they started.

Michelle Madoff:

That is true but not far enough. As we used to say in the environment, by the time we educate our children we'll all be dead if we don't clean up. By the time we educate people not to litter, it's going to be too late and people won't even want to be in this City. We have enough taxing problems that are chasing

people out of the City.

I'd like to close on another note. I was in Washington when the Korean plane was shot down, 007, and I went to the Embassy. I am saddened to see that there are so few people who though it was an important issue to be at the Embassy, but I also went to the Steelers game. If enough people who cared about the Steelers game would have marched in front of the Embassy, maybe the people in Russia, the leadership, would have gotten a message that obviously isn't being delivered.

I would like to make a resolution, offer it as a floor motion, that we send a letter to Mr. Reagan asking that we stop all negotiations other than dealing with nuclear, the issue of safety and the threat to the world, but I'm thinking of wheat deals, flights, any censure that we can reasonably undertake be undertaken. We can compensate our farmers in other ways. I think our farmers who have accepted embargoes before, when the Russians have done lesser things, are the real heroes of this country. They will be supportive of that kind of action.

I would hope that I get a second from this Council on that.

Mr. Flaherty seconded the motion.

Mr. O'Malley:

Opposed. I agree with Michelle. I think the intention is well-meaning. But I don't think this Council is informed adequately enough on world issues, except for what we read in the newspaper, to make those types of determinations and those decisions and I would think that the farmers of America would have a different opinion than Michelle has.

Michelle Madoff:

I don't think they will. Betty McDonald who is the wife of the Congressman —

The Chair:

If I may interrupt you for one second, Michelle, obviously your resolution is a very conscientious one and it's a good one, but I have to go back to 1962 when we had the missile confrontation with the Russians in Cuba. Sixty thousand people marched past my house to go up to Pitt Stadium to watch the football game while the President was telling us any moment now we may go to war. They just weren't concerned at all. They're just concerned with seeing the Cleveland Brown - Steeler game.

If you really think you're going to have people change in regards to the Russian incident where they shot down the commercial plane, it isn't going to happen.

Michelle Madoff:

I think you're right, Mr. DePasquale, we both share the same viewpoint. I think, though, as leaders of this community we have a responsibility to speak out. And I think that the grain, wheat embargoes and other issues —

I started to say that Betty McDonald, I just heard her on the air again, I saw her on television, who's husband was killed, the Congressman, is terribly disappointed in Mr. Reagan. "He gave a beautiful speech," she said, I'm quoting her, "but he didn't say anything and we are going to be considered a nation that has no backbone if we don't start to respond." The wheat farmers will be in lot worse condition if they don't know that we are going to

show some indication that we're not going to tolerate this kind of action.

I would like to put it to a vote and I would like a moment of silence, Mr. President, for those who were killed in that plane.

The Chair:

Okay, Mr. O'Malley voted no. The resolution carries.

Now could we rise, please, and have a moment of silence for the victims of that plane that was shot down. Thank you.

Obviously we all agree with you, Michelle. It was one of the most callous acts of all time and there was nothing but innocent victims on that plane. There was no reason for it but as Mr. O'Malley stated, they'll probably come up with some cock and bull story that there was a spy on the plane.

Mr. Givens:

On another subject, Mr. President, if I might. I would like to have post agenda with the Executive Director of the Housing Authority of the City of Pittsburgh and Mr. John Gabriel of the Human Relations Commission.

It was brought to my attention that the Human Relations Commission has given authority to our Housing Authority that they will not hire people who at least do police work within the Housing Authority if they're over 35 years of age. I can't believe that our Human Relations Commission would be discriminating on age but in fact such a letter has gone out apparently as described to me by Executive Director of the Housing Authority. I feel that this should be brought to the table of Council and discussed as to if in fact this letter

is out and if it's used as a personnel tool and secondly, what is this Council going to do about correcting that discrimination.

The Chair:

Is that letter going out, Mr. Woods?

Mr. Woods:

I never heard of it.

Mr. Givens:

No, this has been in existence for some time, apparently. There are people who have put in applications for work over at the Authority --

The Chair:

No one over 35 was eligible for security?

Mr. Givens:

Yes. They can't hire above 35. Danny indicated that his hands are kind of tied. He said, "I am complying with that particular rule" and he even indicated that the best workers that he has over there within the Authority, not saying anything about anyone else, but he said about 55, that age group, are people who, in his own words, are ones that are very productive and who seem to have been able to cope with working in the Housing Authority better than any other age group. I feel that the letter, if there is a directive, and that's what there will have to be, a directive out so saying that, that it is in fact discriminating against age and I'd like to find out if, in fact, that is the truth.

Mrs. Masloff:

Did you see the letter, Dick?

Mr. Givens:

No. Danny was calling by memory and went back and researched it and told me by telephone communication that, in fact, it was an order by the Human Relations Commission. I can't believe it. I don't know when it was dated or anything but I'd just like to find out a little bit more about it and, if so, change that particular directive.

The Chair:

Mike, see if you can get a copy of that letter.

Mr. Givens:

I ask you, Mike, that you have these here for a post agenda.

Mr. Perry:

Tomorrow?

Mr. Givens:

No, tomorrow would be too soon. Next Wednesday.

Michelle Madoff:

Mr. President, I want you to promise not to go through the roof at my next resolution. I have gone to the Stadium now twice. —

The Chair:

That's once more than I have.

Michelle Madoff:

I'm sorry to hear that. I went to the Simon and Garfunkel concert, I wanted to get a feeling of what we could generate in revenue, and I went to the first Steeler game.

I talked to the young people, particularly summer employees. Do we or do we not subsidize that Stadium to a tune of \$1.8 million, at the moment? City taxpayers. Everybody said we were terrible; we bailed out the Galbreaths. We didn't bail out the Galbreaths; we bailed out the City of Pittsburgh taxpayers.

The employees, three quarters of them, and I've now checked with the management, are not City residents. I want City residents.

The reason I say you might go right through the roof is because we're talking, perhaps, of a union problem. That can be worked out from the point of view if there's a previous contract on the attendants. But when we hire summer help and we hire kids, I want the kids from the Hill and from the City. Let me tell you where they're from; McKeesport, Clairton, — Mr. Woods, do you hear me? They're dumping their garbage in every sense into the houses that you're concerned about, not taking their fair share of the responsibility, go home to their bedroom communities. Our kids need jobs, we need metropolitan government. If we don't have metropolitan government, if we're going to let Pittsburgh swim or sink on it's own, then those jobs should go to our kids. I make that as a resolution. I've talked to the people there, they are willing to go along with it and I make that as a form of a motion.

The Chair:

Michelle, I don't mean to correct you but when you refer to summer help, obviously they're all summer help because that's when most of the sporting events take place, even most of football. There's no such thing as a summer help employee or part time with the exception of the kids that come in an

sweep at night. I guess you weren't talking to them so I don't know who you're referring to.

Michelle Madoff:

I was talking to the young men who worked at the ticket gate when I went to pick up my ticket, night attendants —

The Chair:

They're all considered full time help.

Michelle Madoff:

Fine. I don't care what they are. They're not to work in the City Stadium when the City pays \$1.8 million and the City of Pittsburgh is tired of taxpayers putting their hand in their pockets to subsidize the suburbanites that give us \$10. It's got to stop one way or another. As far as I'm concerned, and you may quote me, gentlemen, they quoted me that Michelle Madoff, ha ha ha, said put up toll bridges for ten cents. Well, maybe that day is coming. Maybe we need some toll bridges. City residents have stickers, they don't pay the toll fee going in and out. City business don't pay it. But if you're an employee going in and out, you're going to pay. This has got to stop. This City is in bankruptcy.

The Chair:

I see your point, Michelle, because the City now subsidizes the Stadium, but give yourself a parallel. We're not talking about department stores or anywhere else. You're just limiting yourself to the Stadium. When we think about that, the proceeds from the Stadium come from more than fifty percent of the people from out of the City. I'm only stating a fact. That's all

I'm stating.

Michelle Madoff:

That doesn't wash.

The Chair:

It's just the same with out department stores downtown. There are people coming from out of the City to shop —

Michelle Madoff:

Then why take their \$10 head tax? Mr. DePasquale, when you go to the Stadium, you pay for your ticket, I pay for my ticket. You buy a hotdog, you pay for it. I'm going to assume that you're the gentleman I think you are and that you don't take freebies, ha ha ha. But the Stadium is there for all of us. The deficits are paid by these bonds that we took at ten and a half percent instead of eight percent in deficits, and it's time that the suburbanites who want to use the Stadium and see the Steeler games and the Pirate games and avail themselves of that Stadium, pick up some of those expenses. I'm not talking about their not paying and our not paying. We pay. They pay. But we pay five times as much. Now, if that's going to be the case —

We've had the Commissioners here, recall? And we tried to get them to pay some of the deficits of the Zoo and other things. They don't want to do it, fine. Either we raise the tickets to out of towners, they don't go, that's the way life is, or we hire — The least we can do is send a message by hiring our own youngsters.

That's a motion to hire our own youngsters for the Stadium, not McKeesport and Clairton youngsters. I make that a motion. Certainly Mr.

Stone, who gets up on the desk and waves his hands that somebody's from out of town —

The Chair:

When you say a motion, who do we forward this motion to? We don't have the right to tell them who to hire and not to hire.

Michelle Madoff:

Who says we don't?

The Chair:

Do you want to send a message to the manager?

Michelle Madoff:

Yes, to the manager. They are perfectly willing to abide by that agreement. I have talked to them.

Mr. Givens seconded the motion.

The Chair:

Roll call vote on the motion.

Mr. Flaherty:

I'll support the motion. I'm not optimistic that you're going to get anywhere with it. I think, Michelle, you should have brought that up a year ago when the issue was hot.

Michelle Madoff:

You're absolutely right, Mr. Flaherty, and the reason I didn't is because I didn't have a fiscal advisor. I was using this problem that we have of conflict of interest and not having separation of powers because we don't have our own fiscal advisor. Thank God you're always voted for it because you

see the necessity.

The Chair:

Can we go on with the roll?

Mrs. Masloff:

I'm going to abstain because this isn't clear to me. It seems to me that that contract for the people who work there are negotiated through a union.

Michelle Madoff:

No.

Mrs. Masloff:

Yes they are. The ushers are a union and the groundskeepers are union. They are unions. They're hired by the union. So, I'm going to abstain because I don't quite understand what you want.

Michelle Madoff:

I want the kids that are hired to be City kids. It's very simple.

Mr. Stone:

I'm voting aye with the understanding that on any new ones where you can hire City residents. Since I've never voted for a non-City resident, I'm not going to do it now. But those who accuse others of doing it ought to remember that I'm the only one on this Council whose record has never been blemished in that department.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods

AYES 6 NOES 1

(MR. DEPASQUALE VOTING NO)

(MRS. MASLOFF ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

Would you make sure that letter goes to the Mayor, please and to Spectacor and to the head of Spectacor. I have his name and I've spoken to him. You may blame me saying, "Michelle Madoff brought it to Council and she said that you were willing to do it."

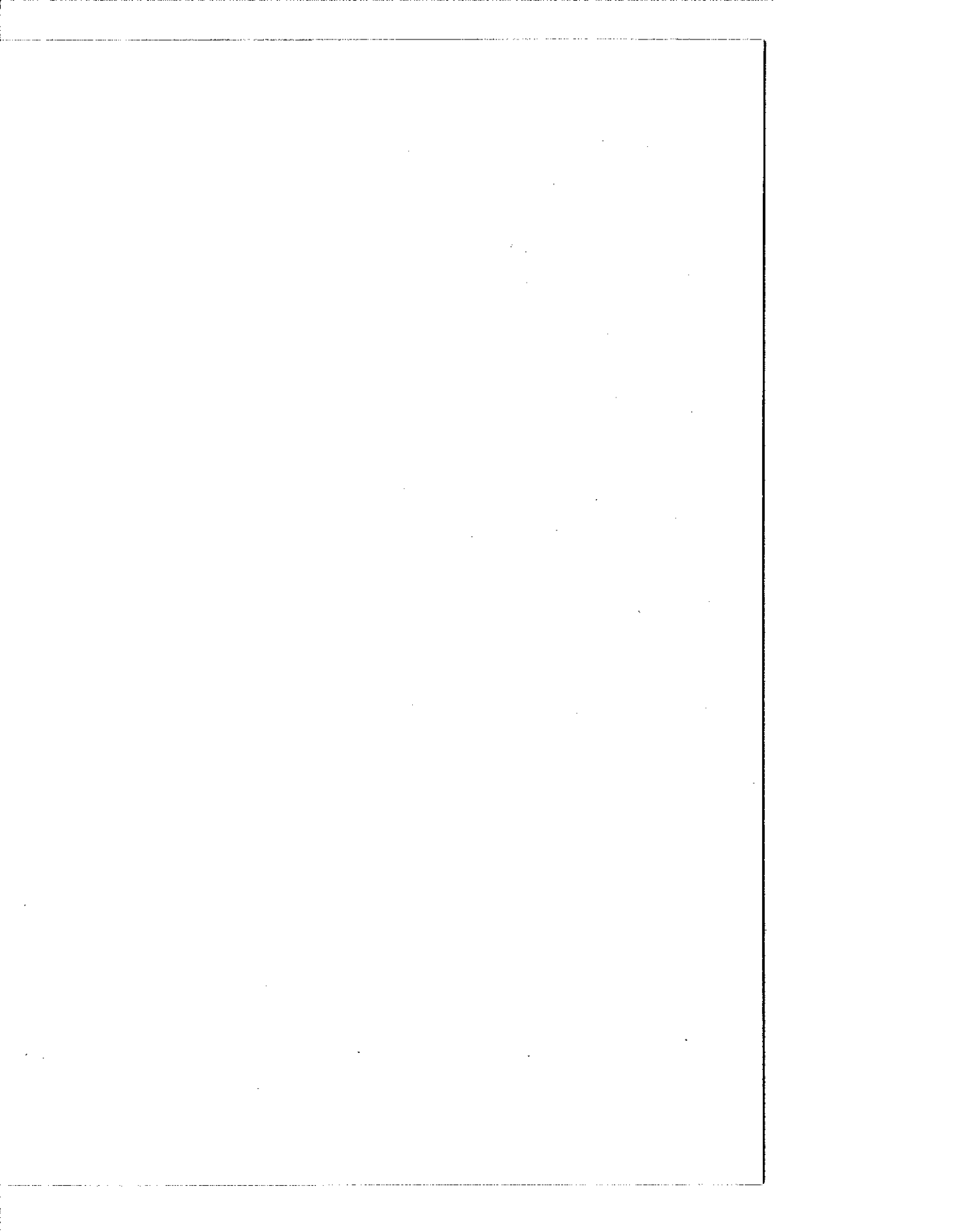
Mr. Stone moved to approve the minutes of Monday, August 8, 1983, Thursday, August 11, 1983, and Monday August 15, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Givens**

Council adjourned.



Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, September 12, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. Woods

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Flaherty presented

No. 3635 Resolution further amending Resolution No. 933 of 1976 as amended by Resolution No. 344, approved April 21, 1980, effective April 25, 1980, by providing for a Second Amendatory Cooperation Agreement with URA in connection with the purchase of real property for No. 42/51 Fire Station Chestnut Street at a cost not to exceed \$260,000.00 chargeable to and payable from LB 77-02 (4-25-01-1945-77) No. 42 Fire Station, Department of Lands and Buildings.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Flaherty moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3636 Resolution providing for the issuance of a warrant in favor of Houston-Starr Company in the amount of \$191.00, \$3,990.64 and \$2,688.00, totalling in the aggregate \$6,869.64 in payment for materials furnished for the benefit of the City in connection with renovations of various public buildings, and providing for the payment thereof. Payable from Capital Project LB 83-14

(4-25-15-0001-83) Renovations of Various Public Buildings.

Also,

No. 3637 Resolution providing for the issuance of a warrant in favor of Three Rivers Trane Company in the amount of \$412.56 for materials purchased in connection with work at the North Side Public Safety Building to the Centrifugal Chillers, chargeable to and payable from Code Account 1363, Materials, Department of Lands and Buildings.

Which were read and referred to the Committee on Finance.

Also,

No. 3638 Resolution providing for Agreement(s) with Consultant(s) for asbestos inspections at various City facilities, not to exceed \$10,000.00 chargeable to LB 83-17, Engineering Services, Department of Lands and Buildings.

Also,

No. 3639 Resolution repealing Resolutions, approved on various dates, for sales in various Wards, in accordance with Act No. 514. Sales are to be repealed and hand money forfeited in all the sales, as the purchasers have failed to comply with the Agreement of sale.

Also,

No. 3640 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 3641 Resolution repealing

Item B of Resolution No. 311, approved May 6, 1983, for the sale of a 2 story brick building at 201 Wick Street (3rd Ward) Block and Lot 11-E-235, to Albert W. D'Angelo for the sum of \$800.00. Resolution is to repeal the sale and return the hand money.

Also,

No. 3642 Resolution amending Item A of Resolution No. 506, approved July 1, 1983 for the sale of vacant land in the 3rd Ward on Bedford and Rowley Street, Block and Lot 9-M-295 thru 298 to Brenda Tate for \$900.00. Amendment is to correct the cost of parcel 9-M-296 from \$256.26 to \$298.76.

Also,

No. 3643 Resolution amending Resolution No. 226 (Item C) approved April 11, 1983 for the sale of vacant land on Banksville Avenue (20th Ward) designated as Block and Lot 36-R-319 and 36-S-1, to William F. Kamauf, for the sum of \$5,000.00. Amendment is to delete one lot from the sale and reduce the price of the sale from \$5,000.00 to \$3,900.00.

Also,

No. 3644 Resolution repealing Item I of Resolution No. 1172, approved November 24, 1982, for the sale of vacant land 31st Ward, Block and Lot 90-R-120-126; 166-169, to Kathryn Sullivan and Kathleen Terbosic for the sum of \$4,000.00. Resolution is to repeal sale and return the hand money in the amount of \$500.00.

Also,

No. 3645 Resolution amending Item I of Resolution No. 566, approved July 15, 1983 for the sale of land on McCord Street, Block and Lot 12-S-226-

229, to Toni J. Gorenc, for the sum of \$500.00. Amendment is to correct the Ward number from the 28th Ward to the 16th Ward.

Also,

No. 3646 Resolution amending Item J of Resolution No. 572, approved July 29, 1983, for the sale of lot on Mayfield Avenue, 26th Ward, 77-N, Part 168, to William J. and Dorothy R. Lott, his wife, for the sum of \$3,000.00. Amendment is to correct spelling former owner's name from McAmulty to read McAnulty.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3647 Resolution vacating Thirty-Seventh Street from Sassafras Street to North Neville Street in the 6th Ward of the City of Pittsburgh. Whereas, it appears by the petition and affidavit on file in the Office of the City Clerk that the Owner of all the property fronting or abutting on the line of Thirty-Seventh Street, between the above mentioned terminals in the 6th Ward of the City of Pittsburgh, have petitioned the Council of the City of Pittsburgh to enact a Resolution for the vacation of the same.

Also,

No. 3648 Resolution amending Resolution No. 624, approved July 19, 1983, effective August 1, 1983, entitled, "Providing for a Contract or Contracts for the Grading, Paving and Curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work on private property and other work incidental thereto; and providing for the payment of the cost

thereof," by increasing the total project allocation by \$84,000.00. Funds are available in the 1983 Community Development Unspecified Local Option and the 1983 EJB Community Development Unspecified Local Option. By increasing total amount from \$156,000.00 to \$240,000.00.

Also,

No. 3649 Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating new line items and adjusting the Summary Totals. PW 83-35, PW 83-36, and PW 83-39.

Also,

No. 3650 Resolution further amending Resolution No. 1261, approved December 3, 1981, effective December 11, 1981, as amended, entitled, "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with Parsons, Brinckerhoff, Quade and Douglas, for Engineering Services in connection with Street Lighting Design; and providing for the payment of the cost thereof," by increasing the total project allocation by \$22,000.00, increasing total amount from \$66,600.00 to \$88,600.00.

Also,

No. 3651 Resolution providing for the repeal of Resolution No. 531, effective June 20, 1983, entitled Darragh Street and Terrace Street widening in the 4th Ward, City of Pittsburgh.

Also,

No. 3652 Resolution accepting the dedication of property of Presbyterian University Hospital on Terrace Street in the 4th Ward of the City of Pittsburgh. Whereas, Presbyterian University Hospital of the City of Pittsburgh, owner of a certain property for the widening of Terrace Street has released said City from any liability for damages for or by reason of the physical widening of said Terrace Street.

Also,

No. 3653 Resolution providing for an Agreement or Agreements with Green International for Engineering Services in connection with the Inspection of Pin Connections on the remaining portions of Ft. Pitt Boulevard - Eastbound, from Bent 5 to Bent 31 and Bent 43 to Bent 51; and providing for the payment of the cost thereof. Funds are available in Code Account PW 83-07, 4-01-05-0001-83, In-Depth Inspection by Contract. Cost not to exceed \$65,000.00.

Also,

No. 3654 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Carl J. Long and Associates for Professional Engineering Services in connection with the Street Lighting not to exceed \$2,874.28, payable from Code Account No. PW 83-34, Engineering Service Contracts.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3655 Resolution providing for the issuance of a warrant in favor of Sargent Electric Company, P.O. Box 29,

Pittsburgh, PA 15230, in the amount of \$406.90, chargeable to and payable from Capital Budget Account No. WD-81-07 (4-05-15-0001-81), Department of Water. For installation of utility pole in South Atlantic Avenue in connection with the In-Line Pump Station, Installation in South Pacific Avenue.

Also,

No. 3656 Resolution transferring \$200,000.00 from Code Account No. 1703, Utilities to Code Account No. 1702, Municipal Obligation for Non-City Water Agencies in the amount of \$185,000.00, and Code Account 1709, Refunds (\$15,000.00).

Which were read and referred to the Committee on Finance.

Also,

No. 3657 Resolution authorizing an agreement or agreements with Chartiers Valley Industrial and Commercial Development Authority and Gallery Center Associates, providing for the relocation of an existing right-of-way and water line in the 7th Ward of the City of Pittsburgh, at no cost or expense to the City.

Also,

No. 3658 Resolution providing for a contract or contracts or the use of existing contracts; for Rehabilitation of Boilers at Mission Street Pumping Station, at a cost not to exceed \$10,000.00, chargeable to and payable from Capital Budget Account No. WD-83-04 (4-05-06-0100-83), Department of Water.

Also,

No. 3659 Resolution providing for a contract or contracts for the Purchase

and Installation of a Power Factor Capacitor at a cost not to exceed \$6,000.00, chargeable to and payable from Capital Budget Account No. WD-83-04, (4-05-06-0100-83), Department of Water.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3660 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Marueen Frumen to accompany 47 senior citizens from the Lawrenceville Senior Citizens Center to Ravenna, Ohio, on September 21, 1983, at no cost to the City of Pittsburgh.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3661 Resolution amending Resolution No. 357, approved May 18, 1983, and effective May 27, 1983, entitled, "Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits, and providing for the payment of the cost thereof", by substituting a different instructor for one of the instructors identified in Resolution No. 357. Cost not to exceed \$5,520.00, payable from Police Recruit and In-Service Training Trust Fund (PRI-STTF).

Also,

No. 3662 Communication from Robert J. Coll, Jr., Superintendent of Police, City of Pittsburgh, requesting authorization for John Mook and Clark Tomer to attend the Federal Bureau of Investigations Retraining Session in Lancaster, PA, from August 28-31, 1983,

at a cost not to exceed \$590.00, payable from Code Account No. 1454, Education and Traveling Expenses, Department of Police. Interim approval granted, August 24, 1983.

Which were read and referred to the Committee on Public Works.

Mr. Robinson presented

No. 3663 Resolution authorizing the transfer of \$200,000.00 from the 1981 CDBG Program Trust Fund, Code Account CDBIS, Project No. 4-15-10-0006-81-15-81-15 to General Funds, City of Pittsburgh, for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program.

Also,

No. 3664 Resolution providing for authorization and transfer of funds in the amount of \$105,477.30 from the 1982 CDBG Trust Fund, Dept. of City Planning, line item CP-82-07 "Indirect Costs", to the General Fund of the City of Pittsburgh for reimbursement of indirect costs, Community Development, Project No. 4-35-05-4007-82-210-82-35.

Also,

No. 3665 Resolution authorizing the transfer of \$103,798.26 from the 1982 CDBG Trust Fund, Code Account CDFD, Project No. 4-27-10-0006-82-15-82-27 to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program.

Also,

No. 3666 Resolution authorizing

the transfer of \$197,009.16 from the 1983 CDBG Program Trust Fund, Code Account CDCPS, Project No. 4-35-01-0001-83-49-83-35 to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program.

Which were severally read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 3667 Resolution authorizing the URA of Pgh. to acquire that property in the 4th Ward of the City of Pgh. owned by the Park Corporation and designated in the Deed Registry Office of Allegheny County as Block 11-L, Lot 271, Block 11-R, Lots 5, 6 and part of 4 and Block 11-S, Lot 90 for the sum of \$3,500,000.00 under the Industrial Land Reserve Fund. The property is the former J and L Hot Strip Mill Plant located on Second Avenue.

Also,

No. 3668 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and First Muslim Mosque of Pittsburgh for the sale of Parcels 73, 73A, 73B, and 73C (1911 Wylie Avenue) in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31. The redeveloper plans to rehabilitate the former Carnegie Library

Building, which is located on this site, for use as a mosque. The purchase price is \$55,000.00.

Also,

No. 3669 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Tyrone and Victoria H. Scott for the sale of Parcel 55D (178 Devilliers) in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31. The redevelopers plan to construct a single family house on this property. The purchase price is \$1,500.00.

Also,

No. 3670 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Northeast Building & Remodeling, Inc. for the sale of Parcels 70 and 82 (1801-25 Wylie and 1918-22 Webster) in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31. The redeveloper plans to construct up to five single family houses on these parcels. The purchase price is \$1,000.00 per dwelling unit.

Also,

No. 3671 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Shelby L. and Karen Wright for the sale of Disposition Parcel 40 (7339 Hermitage St.) in the 13th Ward of the City of Pgh. in Redevelopment Area No. 19. The redevelopers plan to use this parcel as a sideyard area. The purchase price is \$150.00.

Also,

No. 3672 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh.

and Brett W. Leppo for the sale of Block 23K Lot 246 (1203 Veto St.) in the 25th Ward of the City of Pittsburgh. The redeveloper will use this property for parking and sideyard area. The property is being acquired following certification as blighted property by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. The purchase price is \$2,600.00.

Also,

No. 3673 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Infil Housing Corporation for the sale of Block 45M Lots 60, 63, 64, 65, 66, 67 and 67A, and Block 46E Lot 148 (2552-2580 N. Charles St.) in the 26th Ward of the City of Pittsburgh. The redeveloper will construct five single family houses on this site. The property is being acquired following certification as blighted property by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. The purchase is \$1,000.00 per dwelling unit.

Also,

No. 3674 Resolution approving a Contract for Disposition of Land by and between the URA of Pgh. and James T. Riley for the sale of Block 50G Lot 40A (326 N. Atlantic) in the 10th Ward of the City of Pgh. as per the Property Management and Maintenance Program. The Property Management and Maintenance Program Sideyard Sale provides for the sale of small, publicly-owned lots to a resident owner on the same block for \$100.00 per lot.

Also,

No. 3675 Resolution approving Contracts for Disposition of Land by and

between the URA of Pgh. and various redevelopers for the sale of properties in various wards in the City of Pgh. for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE).

Also,

No. 3676 Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and the the below-listed redevelopers for the sale of the following properties in the 21st Ward of the City of Pgh. in Redevelopment Area No. 27 (RESALE FOR REHAB).

Also,

No. 3677 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting authorization for Reginald B. Young and Paul Farmer to attend the 1983 Regional Training Conference of the National Community Development Association in Philadelphia, PA from October 5-7, 1983, at a cost not to exceed \$650.00, payable from the CDBG Program, Dept. of City Planning, Administration, Code Account CDPA.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone presented

No. 3678 Communication from

Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for five members of the Mayor's Energy Task Force to attend a seminar on Innovative Financing of Energy Efficiency Projects. Costs for the Seminar are payable from the Energy Task Force Trust Fund and cost not to exceed \$175.00 and are reimbursable from the Federal Government.

Also,

No. 3679 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for Mina Gerall, Asst. Executive Secretary to the Mayor and Mary Bailey, Research Analyst in the Mayor's Office to attend a four (4) day Program Review Meeting for recipients of 1983-1984 energy grants from the Urban Consortium, held in Seattle, Washington, on September 23-26, 1983, at no cost to the City of Pittsburgh.

Also,

No. 3680 Communication from Edward A. Walkowski, Manager, Department of City Information Systems, requesting authorization for Barbara Ballo and himself to attend the Honeywell Data Processing Management Executive Seminar in Phoenix, Arizona, from September 25-29, 1983, at a cost not to exceed \$2,800.00, payable from C.A. 1043, Misc. Services, Bureau of Information Systems, Mayor's Office.

Also, -

No. 3681 Communication from Norbert C. McDermott, Jr., Comptroller, Allegheny County Sanitary Authority, submitting the 1982 Audit Report of Touche Ross and Company, Certified Public Accountants, together with a copy of the 1982 Annual Report of Municipal Authorities.

Also,

No. 3682 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Benjamin Bendetti to attend a seminar by the Public Risk and Insurance Management Association in Alexandria, Virginia, from October 26-28, 1983, at a cost not to exceed \$900.00, payable from Code Account No. 1063, Misc. Services, Department of Finance.

Also,

No. 3683 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for James Klein, William Jarzabek and Walter Fortson to attend a meeting with Pennsylvania Department of Labor and Industry Officials in Harrisburg, PA on September 15, 1983, at a cost not to exceed \$750.00, payable from CETA Trust Fund, federal funds. Prior approval granted.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3684 Petition from the Fineview Citizens Council, requesting a public hearing concerning the reconstruction of Lanark Street, 25th Ward.

Which was read and referred to the Committee on Public Works.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3685

Report of the Committee on Finance for

September 7, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3585

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of D.M.K., Inc. in the amount of Thirty Six Thousand Three Hundred Forty (\$36,340.00) Dollars in payment for an Emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the right-of-way between Rosegarden and Crestview Roads in the 29th Ward; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3686

Report of the Committee on Public Works for September 7, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3582

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Reconstruction of Fourth Avenue from Wood Street West for a distance of 375 feet +, including work on private property and other work incidental thereof; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 3687

Report of the Committee on Planning, Housing and Development for September 7, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3611

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to file an application with the Commonwealth of Pennsylvania, Department of Community Affairs, for the Urban Homesteading Program."

Which was read.

Also,

Bill No. 3612

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structures at 23 Market Place (Block and Lot 1-D-127) and 25 Market Place (Block and Lot 1-D-130) in the Market Square Historic District in the 1st Ward."

Which was read.

Also,

Bill No. 3613

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for construction of new residential buildings

at 1323 Pennsylvania Avenue (Block and Lot 22-P-165) and 1234-1242 Sheffield Street (Block and Lot 22-R-124 through 128) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3614

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1130 West North Avenue (Block and Lot 22-R-274), 1119 North Franklin Street (Block and Lot 22-L-154) and 1021 Manhattan Street (Block and Lot 7-B-257) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3615

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for 404 North Taylor Avenue (Block and Lot 22-K-62) for exterior work on the residential structure in the Mexican War Streets Historic District, in the 22nd Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, I'd just like to make two comments if I might. One, I'd like to turn in a report from a recent trip I took to San Antonio, Texas, to participate in the first National/International Trade Development Conference. I attended this conference as Chairman of Planning, Housing and Development, Pittsburgh City Council. The theme of the conference was "Cities' New Roles In The Global Economy". The sessions covered such topics as Trade Missions, Getting Your City's Products Into The Markets, Free Trade Zones, Making A Place For International Trade, and Resources Available, Private and Federal Assistance.

I was particularly interested in the application of techniques and methods to enhance Pittsburgh's role in foreign trade and international relations.

If members of Council would like additional information, I certainly would be more than happy to forward that to them.

The second comment relates to an article that appeared in the August issue

of Performance Magazine, which is one of the trade journals for promoters and performers in the entertainment field. There is an article relative to the City of Pittsburgh which I think is most appropriate and it specifically relates to one of our outstanding local promoters, DiCesare-Engler. They took serious Council's concern about the live performances in our City and at the recent Eddie Murphy concert, DiCesare-Engler, on a voluntary basis, did inform the patrons that the material that Eddie Murphy was going to present would be adult in nature and they did this in cooperation with Mr. Murphy's manager.

I think where we have businesses that cooperate with us like that on a voluntary basis, that we should identify and congratulate them.

The Chair:

Thank you.

Michelle Madoff:

Mr. President, I did not get a chance to read it but I understand there was an article in the paper that Mr. Schmeiser is anticipating that because of labor contracts we may have to raise taxes in the City. I very much question whether that would be the reason. It might just be the people they use as the scapegoat. If they raise taxes, it's because we have not run this City as efficiently as we should and I think that frequently the surplus has come from, for example, the \$1.6 million that we've allocated for police yet 80 percent of our police officers have failed the psychological test which is absurd. We're 105 police below.

You know, the issue of my pointing out that we need to get voluntary commuter tax from suburbanites was called the laughing

tax. I don't think it's a laughing matter. I received over \$3,000. The Los Angeles Times did a three-quarter page story on the nature and the seriousness of the fiscal situation of this City. I'll be taking that up and have been for some time and dealing with it in more depth. For the benefit of those who don't know, we have an \$800 million debt at the moment and we're going into water authority and the City of Pittsburgh alone cannot pick up that responsibility.

There are many people who have said to me, and I'm sure to other people sitting on this Council, that they feel that they get more than \$10 worth of services from the City and yes, they believe it is the right way to go. They would prefer metropolitanism as would the Mayor and myself.

But, in lieu of that, it now became a joke because of the episode under the clock, I didn't even know what meeting under the clock meant, I thought you were going to kiss me on the cheek and take me to lunch. I meant from the neck up. But I think that it is important that we get a voluntary head tax from those people who are corporate middle level, people who work in the City, people who have their jobs and are working today in a depressed area. We don't have a recession; we have a depression. The other parts of the country are recovering; we are not. But those who feel in their conscience that they get more than \$10 worth of services, I want to remind those people, and I would like to have some kind of letter go to the Mayor, Mr. Perry, asking if he would do a public service spot and not make it a laughing matter but a very serious matter until we can get something done. It isn't going to be legislatively, we're not going to get 102 votes. It's going to have to be done through corporate structure, corporate leadership. That's how it's happened

everywhere else. But until then, to do a public service spot that would tell people who would like to contribute more than their \$10 voluntary occupation tax, to make out a check to the City of Pittsburgh Treasurer and mark on the check, Voluntary Commuter Tax or Voluntary Head Tax. It is a tax write-off to them. If there's anybody in the City who feels flush and would like to give us more than \$10, we'll accept that, but particularly the suburbanites. Unless the media picks it up, this coverage only goes to City residents on Warner, Channel 17, and I would like to see whether we could somehow get some kind of budget to reach our suburbanites in an ad. Perhaps I will, at a later time, introduce a resolution that we ask people to do that, those who feel they get more than their \$10 worth. We already have over \$3,000 in that fund. I don't know the latest figure because many checks came in and they didn't mark on the check what the money was for. They just made it out to the Pittsburgh Treasurer and didn't say what the money was for. It could have been a great deal more.

The Chair:

Thank you.

Mr. Givens:

Mr. President, I think there is a matter before us that must be discussed and I'll put in the form of a resolution that we continue with the legal services of who has been appointed by our City Solicitor to represent the City in the plant closing legislation appeal that is now before the courts, and that is Joseph S. Hornack, Esq., to continue. I'll make that in the form of a motion and I'd like to have some discussion on this matter.

Michelle Madoff seconded the motion.

Mr. Robinson:

Question. I have a question, if I might, on the procedure. It was my understanding that Mr. Hornack was secured by Pittsburgh City Council to represent our interest in this plant closing legislation. Am I correct?

Mr. Givens:

Well, that was only done because the City Solicitor had refused because of his own legal opinion.

Mr. Robinson:

No, I'm just trying to straighten something out procedurally. That's all. My concern is that, to my knowledge, Mr. Hornack has not reported to Council. Perhaps he's reported to the President or to the City Clerk —

The Chair:

Not to me.

Mr. Robinson:

It would seem to me that since we were paying him and since we hired him to represent us, that before we take any action we might want to get a report from him and some kind of recommendation as to what we should do.

Mr. Givens:

Yes, Bill. That's why I have him here today. This is going to be done verbally but it can be followed through with legislation. But it's the intent of Council as to which direction we want to go. I think the right of appeal is part of our judicial system and for one not to take all the avenues for that appeal, we would not be doing just and right. But it goes a little bit deeper than that.

To get into my particular discussion on it, I would ask that we bring Mr. Hornack up here but I'd like to make one or two comments, if I might, to give a frame of reference as to where, at least this Councilman, is coming from. It goes back to the basic Charter of the City of Pittsburgh and my concerns of what is happening, not just on this particular vote, on the Home Rule, but it's overwhelming impact that it's going to have on the Charter of the City of Pittsburgh and for that matter, the Charter across this Commonwealth of ours.

What is the Home Rule? We have to ask ourselves that basic question. What is the Home Rule of the City of Pittsburgh? The whole basic premise of Home Rule was that we would not have to go back to the state legislative body in Harrisburg to seek permission for actions that we can take on our own. That's exactly what we tried to do here. It also states that therefore the Home Rule can only do part of the task of modernizing City government. Many other needs that need changes have to come from the General Assembly or the Commonwealth also. But it says that many essential changes, however, are made in this particular document, our Charter that we have been under since 1976 and that the structure it provides for flexibility and easy to change structure for improved excess and response from our citizens.

Where did the request come from for plant closing? Did it come, initially, from this Council? I have to say maybe we met down that roadway someplace, at Reizenstein or some other place, yes, it came from this Council and it also came from many of the unemployed or those that were going to be unemployed and were going to be effected. One thing that's very interesting, when you read the first article in that, and I'll stop right

there, Mr. President, Article I establishes the Home Rule powers for the City, demands that the City powers be construed broadly by the courts, now, this action is before the courts, broadly by the courts, and confirms the City boundaries and some important terms to use in the Charter as defined.

We can only say, just within the last week or two, what has happened to this City that we sit here and we see ourselves decaying. Are we elected here to represent the people? The answer to that is obviously yes, we are. When we see that U.S. Steel is going to lay off 5,000 some people, 5,000, right here in our own Mon Valley affecting us. If we are the government of the City of Pittsburgh, if we are the major metropolitan area, if we are the only Home Rule municipality within Allegheny County, then I think we have a leadership role to play right here. Mercy Hospital, 111 people, people who have been working there all their lives have gotten the axe and have gotten it so quickly that it's unbelievable. Why did we aske for plant closing?

The biggest thing, I think maybe something that happened in my childhood over in the East End of the City of Pittsburgh and that is our own Coca Cola plant out there in East Liberty which hires today only 130 some people. But what did this City administration do? What did we do in this Council? What did the Urban Redevelopment Authority do and the City development thing that we moved out of this City and moved over to the URA, what did any of these do? Has anyone made direct communication with the Coke plant? I don't know but I'd have to venture in saying that I don't think anyone got off their high horse and really went out to the Coke officials and asked them point blank. We can get you a place that we're putting millions in, ladies and gentlemen

of this Council, millions of dollars we are appropriating for the Jones and Laughlin Steel Corporation site down there. We have already put money into that. The Coke contract for that particular building doesn't even run out until December. Naturally, they're going to move forward. Couldn't we hold them there for the J & L site? Could we not find, of all those vacant buildings down on the Strip District, which we're trying to revitalize, could we not ask them to stay in there?

Second of all, why did they move out of the City? I think we have to ask ourselves these hard questions, Mr. President, because if it's something we're doing wrong here, then I want those people to come down and express it to us openly and candidly. I am not for anti-business, I want businesses to stay in Pittsburgh and I want them to relocate into the City of Pittsburgh. If they're leaving here, why are they leaving? We, or somebody within the government of the City of Pittsburgh, must find out these answers and stop this exodus from the City of Pittsburgh.

What happens? We here in this Council provided millions of dollars for our youth who are unemployed. For the greatest employment, if you look over Allegheny County, you find it right here in the City of Pittsburgh. What are we doing, though? What are we doing? —

The Chair:

Mr. Givens, I don't want to cut you short but I think you ought to go on with that subject after we talk with an attorney. The base of resolution is whether we should appeal it.

Mr. Givens:

Mr. President, we have an appeal and I would like before any of us take a

vote on this, that we at least hear from our legal counsel that this Council had approved to carry us through at least the initial step, that of the Common Pleas Court of Allegheny County. Knowing that there's three other major courts, appellate systems, that they can go to including Pennsylvania Supreme Court, I'd ask that at least this Council, knowing the impact that this is going to have on the Home Rule Charter of the City of Pittsburgh, I might even say forget about plant closing, but the issue here before this Council today is, do we have a Home Rule Charter? Can this City act independently for the welfare of it's people here in the City of Pittsburgh?

With that, Mr. President, I ask that Mr. Hornack come to the microphone and express his thoughts on what is happening and what the appeal process might be.

The Chair:

Mr. Givens, I'd like to hear from Mr. Hornack but to the respect you're speaking to, if I read right the judges incurred that it was a violation of State law and that's why they ruled accordingly.

Mr. Givens:

Well, that's the judges' opinion right here locally. But if this is done statewide then I'd have to say we'd have a hard time explaining our Home Rule Charter.

The Chair:

Let's hear from Mr. Hornack. I think he can explain it a little better.

Mr. Hornack:

Thank you. Let me just give a little procedural history on how I came

to represent the City in the action. At a Council meeting in July, there was a vote taken at which time yourselves decided that I should represent the City in this matter since the Law Department decided that it could not do so. Later that same week I went in and talked to Solicitor Pellegrini and an agreement was drawn up between the law office that I work for and the Law Department which gave me the authority to represent not only the City of Pittsburgh but the Council of the City of Pittsburgh in the action. At that time, not only the City of Pittsburgh but also City Council had been sued by the Smaller Manufacturers Council. They had named two separate parties but there was not two separate counsels for the bodies. At that time, I was representing both the City and the Council.

The case was decided on August 19, Friday August 19. Within five days after the decision, I returned the file to Solicitor Pellegrini and at this time I am here speaking as former representative of the City of Pittsburgh but that does not preclude you from either retaining me again or retaining someone else or having the Law Department do it.

Let me just tell you what the judges decided and what my recommendations are. Both judges, Judges Narick and Papadakos, ruled that the ordinance was illegal and/or unconstitutional on three separate grounds. The first ground was that since the ordinance contained a clause dealing with the creation of a misdemeanor that was in violation of the Home Rule Charter Enabling Act and since the ordinance did not contain a severability clause —

Mr. Givens:

Nor does most of the legislation that comes before this Council have a

severability clause.

Mr. Hornack:

I'll talk about what that means in a second.

The judges ruled that since there was no severability clause and since there was one section that was in violation of the law, therefore, the entire ordinance was illegal. That was the first ground upon which the judges ruled.

The second ground was that the ordinance was in conflict with the state law, the State Home Rule Charter Enabling Act, which dealt with limitation upon municipal power.

The third ground upon which the court relied was that it was in violation of federal law in that specifically it was in violation of the National Labor Relations Act which deals with the rights of employers and employees within the context of collective bargaining. The judges felt that the area in which this ordinance dealt with was preempted by federal law and had to be dealt with by federal law and could not be dealt with by state law.

Those are the three grounds upon which the judges relied in deciding their opinion. As you may or may not be aware of, the interveners, the defendant interveners in the action, Support Our Neighborhood Action Coalition and the Allegheny County Labor Council have already file an appeal. So, at this stage, the case is going up to Commonwealth Court. The question remains, what role will the City of Pittsburgh play in it. Will it play an active role or will it play a passive role? My recommendation is that it play an active role for these reasons:

First of all, I believe on the question of a lack of a severability clause in the statute as well as on the question of federal labor law, that we have a very good chance of success on appeal. The lack of a severability clause is not fatal because court decisions have made clear that all state statutes and municipal ordinances are presumed to have a severability clause. There's a section of the Pennsylvania statutes that talks about that. Myself and Attorney Pushinsky, who represented Labor Council and the Neighborhood Coalition, pointed it out to the judges at the hearing but they chose to ignore our argument.

The second ground, Federal Labor Law issue, again, it's a complex issue and I'm not going to go into the merits of it right now. I just want to say that, again, the federal law in this question is becoming more and more strict in our favor. The doctrine of preemption has been used in the past to strike down the number of types of legislation as well as types of litigation. The U.S. Supreme Court has been taking a more and more narrow view of preemption and has had a written opinion recently that talks about the need for there to be an identical conflict or an identical comparison between what's going on at the State Court or the state legislation and what's going on before the National Labor Relations Board. Our argument would be that the ordinance is in no way identical to what the National Labor Relations Board would be saying.

On the third issue, the state law issue question. I would recommend an appeal on the grounds that the section of the Home Rule Charter Enabling Act that we're dealing with, known as 1302D, has never been interpreted by an appellate court. —

Mr. O'Malley:

Excuse me, Section 1302D, is that

Mr. Hornack:

That's the section that deals with the language as no municipality which adopts the Home Rule Charter shall determine duties, requirements and obligations imposed upon businesses, employers and occupations, except --

Mr. O'Malley:

It seems clear right there.

Mr. Hornack:

But there's an exception clause. An exception clause being first of all whether there is a statute passed by the General Assembly dealing with this specific issue or, secondly, whether there is a section of the Code dealing with this particular issue. It was on that ground, it was on the ground that the Code referred to a general police power that we initially felt that we had an argument that could be advanced in court. I believe that, again, the relationship between the general police powers which a municipality has and this Section 1302D as it applies to businesses within the City, is an important question and it's one that's going to come up again and again outside the context of plant closing legislation. I am in agreement with Councilman Givens that an appellate court decision that interprets this statute, in a clear and in a substantial way, is very important. The judges below dealt with it in a very perfunctory manner. It was dealt with in a paragraph. While they relied on the language saying that it was plain and clear and unmistakable, we felt that in the argument that we advanced that there were explanations for the language

used and that it came from a specific history, a specific relationship between the state and municipalities in the past and that we had to look at the language in 302D in the context of that history.

That's my recommendation on the state law issue, that, while I am maybe not as confident as I am on the other two issues, I believe it is important to have a higher state court rule on the question.

I'm prepared to answer any questions.

Michelle Madoff:

I'd like to ask some questions. It was unfortunate that when the bill came in to be amended there was such an orchestrated effort not to allow the amendments. It is my belief that those who opposed it as vigorously as they did could have said, instead of how we can't do it, let me tell you how we can do it, instead of saying, "Let's do it on a voluntary basis".

My question to you becomes, supposing we were to drop the issue as of this point, go to 1984 which is around the corner, rewrite the bill in the form that you would prefer to have seen it. Would we stand a better chance in the courts?

Mr. Hornack:

The short answer is no. It has to do with the fact that no matter what type of language we use, no matter if one section dealing with one year's notice and another section dealing with 90, 180 and 270 days notice is reconciled

Mr. Givens:

Correction on that. I talked to the Chief Clerk and there is no reference in the City's bill that was passed by this

Council with reference to one year. You received old, outdated copies and I checked this out with the Chief Clerk. Had I not, Mike? The copies that you apparently received and that the courts received were not the accurate copy of the record of the City of Pittsburgh as per our Chief Clerk. That was an error in the original document which I had seen both at the Wednesday's Committee Meeting and at the Monday's Executive Session that we're in right now wherein I brought it to the Chief Clerk's responsibility to clarify those clerical errors. They were, so apparently everyone did not get the accurate copy.

Mr. Hornack:

Okay, I was using that as an example. There are other examples that were included in arguments made by the businesses that filed the lawsuit dealing with inconsistencies or vagueness of language. The point I'm trying to make now is that regardless of whether those specific language corrections are made, right now what the judges have ruled upon and what we, I believe, could not afford to just allow to happen is the question of whether the City has the power to pass this type of legislation. I don't believe that any corrections or fine tuning dealing with what is good cause mean for a business not to have to comply by the ordinance can be corrected in such a way so as to get around the arguments that were made and believed by the court below.

Michelle Madoff:

Just to clarify, then, what you're saying so that I understand it, Mr. Hornack. Are you saying that what you want is a clarification on separation of powers in essence? Do we or do we not have the authority to do such and such or not do such and such?

Mr. Hornack:

I believe that that's what City Council's position —

Michelle Madoff:

I don't want to clog the issue but it would help me to understand. A bill has failed in this Council to have a fiscal advisor and I find it really sad that Mr. Givens who is fighting so hard for this bill with our support voted against having a fiscal advisor. The purpose in our bill, and we went to court on it, and our brief said that we are entitled under the present Home Rule Charter to have a separation of powers and no conflict of interest which is what the Charter granted us. But if every time we have to make a decision in this Council that is a fiscal decision, and certainly I don't think there are any fiscal experts sitting on this Council, even though I've probably had as much as anybody else, I've had a year of accounting, when we get to the gut issues they're saying we don't have that power to go out and hire, say four of us don't have the power as a minority to overrule five to say we have the authority to go out and get a fiscal advisor because we need it, we vote on every line item of that budget. Would this encompass the same issues, a separation of powers and the conflict of interest, or would it not address that?

Mr. Hornack:

I do not believe, just from what you've told me, I don't believe it addresses that issue. When I was referring to separation of powers and when I was agreeing with you on the question of separation of powers, I guess what I was really referring to was the relationship between the Commonwealth of Pennsylvania and the City of Pittsburgh as a Home Rule Municipality rather than the question of —

Michelle Madoff:

The Administration versus
Council.

Mr. Hornack:

Right, Executive versus
Legislative.

Michelle Madoff:

That's another issue then. Okay.

Mr. Stone:

Mr. Hornack, if I may, a couple of
questions. Prior to the time that this bill
came to Council, were you aware of it in
the form it was presented to Council?

Mr. Hornack:

The bill?

Mr. Stone:

Yes.

Mr. Hornack:

Yes, I was.

Mr. Stone:

Did you represent to anyone that
this bill was in fact legal?

Mr. Hornack:

I made a presentation before City
Council on behalf of the Support Our
Neighborhoods Action Coalition which
expressed an advocacy position dealing
with whether the bill was legal or not
legal. At that time, I presented an
advocacy position that it was legal.

Mr. Stone:

I assume that was after having
read the bill, read the law, and as well,
the City of Pittsburgh Charter.

Mr. Hornack:

Yes, that's right.

Mr. Stone:

Were you active in any way in
making the amendments?

Mr. Hornack:

No, I wasn't.

Mr. Stone:

Then the amendments, whether
passed or not passed, meant nothing to
you because, as far as your legal opinion
was concerned, it was legal prior to any
amendment.

Mr. Hornack:

At that time, I was retained by
the City of Pittsburgh to represent the
City in the lawsuit and I was prohibited
from representing anyone else, including
SNAC, and therefore I did not work on
the amendments —

Mr. Givens:

I can clarify that. We had two
amendments, if you recall. The original
amendments were the ones that I had put
in on the actual bill. It was very
lengthy. Then there was a second
amendment that was presented by Tom
Flaherty. When Tom Flaherty's
amendment was put in, are you saying
you were then under the City's retainer?

Mr. Hornack:

We're talking about after it became law? Yes.

Mr. Givens:

It was after it became law. My amendments were in there first and I had no contact with you. I was acting independently on my own and through my own judgment of legislation process I'm putting those amendments forward.

The Chair:

I think the gentleman made it clear. He had no part in the amendments. Okay?

Mr. Stone:

When are you officially hired as the attorney for the City?

Mr. Hornack:

I don't know off hand.

Mr. Stone:

I thought that was July 18th.

Mr. Hornack:

Okay, it was July 18th.

Mr. Stone:

Those amendments came in prior to that time. That's the reason I was asking the other question.

Mr. Hornack:

Well, either way, I was not involved —

Mr. Stone:

Let me change it so we're not confused on dates. Did you have anything to do with the proposed amendments prior to the time that you were engaged by the City?

Mr. Hornack:

No, other than being aware that it was going on and talking to people about it.

Mr. Stone:

If there were a strict interpretation of the Home Rule Charter, would your opinion be any different from what it is now?

Mr. Hornack:

A strick interpretation?

Mr. Stone:

Let me try it the other way, if I may. Is it your opinion that we need a broad interpretation in order to have this particular plant closing legislation be legal? Is the question understood? I'll rephrase it if it's not clear.

Mr. Hornack:

You're talking about specific versus broad. What I'm saying is that I think that an interpretation of 302D which takes into account the context of what Home Rule is all about, to list by merits relating them, to maintain one which becomes what's needed for the case to be successful on appeal. That's what we argued at the lower court and that's what I would recommend arguing about.

So, I think that it's not broad in the sense that it goes outside the

language. I think that there's language within the —

Mr. Stone:

But is not the language you just stated kind of clear? You need an interpretation to have it say other than what it expressly says.

Mr. Hornack:

No, I think that the language, the exception language, is not clear. The language that talks about "no municipality shall . . . except" and it's that exception clause that I think is not at all clear.

Mr. Stone:

I don't want to retry the case so I'm just going to stop here for a moment.

Now, pretty much you had done all the research that was necessary prior to the time that you were hired. Is that right?

Mr. Hornack:

Prior to the time we were hired? A lot of it had been done.

Mr. Stone:

I gather that you were at least representing someone in a paid or unpaid capacity prior to the time you came to the City. Right?

Mr. Hornack:

Yes. Some research had been done on the question before. Yes.

Mr. Stone:

Alright, now, how many weeks passed from the time you were hired by

the City to the time that you actually go to a hearing on the issue? It's my understanding that may be a couple of weeks? Am I correct?

The Chair:

Two or three weeks, Bob.

Mr. Hornack:

It's only a couple of weeks, if I understand correctly. Correct me if I'm wrong, but my impression was that we passed this thing on the 18th of July and the hearing is a couple of weeks later.

Mr. Hornack:

I'm willing to answer questions but I want to know where this is going. I think I know where this is going but —

Mr. Stone:

I have no intention of embarrassing you. All I'm trying to find out is a period of time. Let me tell you where I'm going. I have not seen a bill; all I have seen is an amount of \$10,467.50.

Mr. Hornack:

I thought that's where we were going.

Mr. Stone:

I'm looking at that and I would like to be the beneficiary of those kinds of fees but since I'm not the lawyer at least I'd like to be a Councilman looking over what we have spent. I would like someone to give me a breakdown on \$10,000 worth of fees within a couple of weeks, frankly.

Mr. Hornack:

Solicitor Pellegrini could tell you that there was a —

Mr. Stone:

Whoever has it, will someone give me a copy? I'm not contesting it at this point but I think it requires us to at least look.

Mr. Hornack:

I understand.

Mr. Stone:

There has been an interpretation in the newspaper that the two judges who heard this decision made a political decision. I'm asking you, sir, is it your belief that these two judges made a political decision?

Michelle Madoff:

I think that's out of order. I would not answer that.

The Chair:

He doesn't have to answer if he doesn't want to.

Mr. Hornack:

I don't intend to. I express no opinion on that whatsoever.

Mr. Stone:

I have nothing further.

Mr. Givens:

Mr. President, if I could just intercede here just a little bit. Mr. Hornack was representing us, it was the vote by decree in this Council. I was not

here at the time, I was on vacation. But, I had before me Bill 3618 which will be coming up for consideration this Wednesday and final vote next Monday providing a warrant be issued in his behalf for the payment of this particular lawsuit that the City enjoined.

The Chair:

We'll discuss it at that time, then we'll vote on it.

Mr. Givens:

If the City appeals anything and everything, if we are not to appeal this then what is going to happen? I mean, if this attorney or some other attorney, as Joe so indicated, it's either going to be him or someone else, or it's going to be our Legal Department. Now, with that in mind, I'd like to bring up our Solicitor and ask him one or two questions what he's going to do on behalf of this Council in regards to this bill. This is very important.

The Chair:

Are there any other questions for Mr. Hornack?

Mr. Stone:

Mr. DePasquale, if I may. Mr. Hornack, I want it very clearly stated here that I'm not contesting your bill or your ability. But as a Councilman, \$10,000 worth of fees in a couple of weeks requires us to inquire and that I am doing.

Mr. Hornack:

And you're certainly within your rights to do that.

Let me just make one point about contacting Council prior to this time.

Councilman Robinson mentioned that earlier. I did file a copy of the brief and a reply brief that we filed with the Law Department and I also filed one copy of the brief and a reply brief. I delivered it to Councilman Givens. Perhaps in hindsight I should have given a copy to each one of the members of Council but I felt that by giving at least one to the chief sponsor of the bill that I was in that way keeping in touch with Council and filling them in on what was happening.

The Chair:

Mr. Givens, did you want to ask Mr. Pellegrini some questions?

Mr. Givens:

Mr. Pellegrini, are you the Solicitor of the City of Pittsburgh?

Mr. Pellegrini:

Yes.

Mr. Givens:

Danny, do you not represent within the Charter, the Home Rule Charter which we are governed by, do you not represent both the two bodies of government, that of executive and of the legislative, that of the Council of the City of Pittsburgh?

Mr. Pellegrini:

I represent the City of Pittsburgh, its officers and employees, when they're acting in their official capacity.

Mr. Givens:

Could you give us your background why you choose not to hear this particular case?

Mr. Pellegrini:

Councilman Givens, you weren't here when this came up. I was the one that engaged Mr. Hornack. Council didn't engage Mr. Hornack; I engaged Mr. Hornack. The reason was that there is no way that this bill can be deemed to be legal. What we said is that we could not honestly give, our Department could not honestly represent the City. That was not the position of Council at that point. It was the position of the City that we had the plant closing bill. We could not see any way that it could be declared to be legal. So, we said that we could not advance the argument; we would take Council's recommendation and hire someone who could advance that argument. We continued --

Mr. Givens:

Where then does that leave this Council as far as jeopardy of the law in proceeding an issue that we could possibly be open to a lawsuit?

Mr. Pellegrini:

I don't understand that question.

Mr. Givens:

You don't understand that? You, the Solicitor, are not acting in our behalf. Many times I am subpoenaed to the courts of this Commonwealth wherein you act as my legal counsel.

Mr. Pellegrini:

That's correct.

Mr. Givens:

Where are you in our legal counsel on this issue? Can we not be countersued as a body?

Mr. Pellegrini:

You weren't here when this first came up. As your legal counsel we engaged Mr. Hornack. The Law Department engaged Mr. Hornack on behalf of the City of Pittsburgh. Not Council, the Law Department engaged Mr. Hornack. Mr. Hornack went in and defended the ordinance. Judge Papadakos and Judge Narick then ruled that the ordinance was illegal.

What you want to know is what is the position the Law Department is going to take.

Mr. Givens:

No, I want to ask this question. How many cases does the City of Pittsburgh, under your jurisdiction as Director and our Solicitor, how many cases do you appeal to the various courts in the Commonwealth?

Mr. Pellegrini:

We've appealed a number. I can't give you an exact count. Fifty or sixty a year, somewhere in that range.

Mr. Givens:

Do you win all those cases?

Mr. Pellegrini:

A good portion.

Mr. Givens:

You say you have appealed many cases. All we're simply asking here is that it simply be appealed.

Mr. Pellegrini:

Councilman, I think there's really two issues, from my point of view, as to

what should be done here. Quite frankly, I've always been in a quandry over this issue.

An appeal will cost further expenditures on behalf of the City of Pittsburgh and we're under an obligation not to waste money. On the other hand, my position is, if Council would want to appeal, if you can get five votes, —

Mr. Givens:

Hold it. You hired that legal counsel, not this City. You represent this Council. When you don't represent this Council —

Mr. Pellegrini:

Do you want to let me finish or do you want to continue talking?

Mr. Givens:

I want you to finish.

Mr. Pellegrini:

I would take Council's recommendation and I would authorize the appeal. It's my decision whether to appeal this or not. So, if you can get five votes, we'll take an appeal. I just don't think it's worth the money to take that appeal.

One other point. The appeal will be taken. There's an appeal already been taken by SNAC so it will be argued. Whether we will appeal or not the issue will go up.

Mr. Givens:

There's more than SNAC. There's other bodies in there like the Allegheny Labor Council which —

Mr. Pellegrini:

What I'm saying is that it doesn't matter. The issue still will go up.

Mr. Givens:

As our legal counsel and not at the request of this Council but the fact that it is the people of this City that you are representing as well as this elected body right here and I don't think it requires five votes upon this Council to tell you to appeal any case in the City of Pittsburgh. It's incumbent upon you as this legislative body has enacted a law that is now under court scrutiny. If you do not appeal, then the burden is on your shoulders and I have to say then this Council might request five votes but those five votes will go in a different direction, not an appeal.

Mr. Pellegrini:

If five Councilmembers desire not to appeal —

Mr. Givens:

Danny, you have never come to this Council for an appeal, you're not going to come to it now. This Council does not have to demand for you to go for an appeal. It's your right and your duty under your sworn oath to the citizens of this City to uphold and defend the law. That law is being challenged in the lower courts. You're to appeal it to the higher courts. If you do not do it, you're not carrying out your duties as the Solicitor of the City of Pittsburgh. Period.

Mr. Pellegrini:

It's my obligation to take appeals where I consider it's in the best interest and my discretion to take the appeal.

The Chair:

An appeal is not mandatory.

Mr. Pellegrini:

It's not mandatory; we don't appeal a lot of cases.

Mr. Givens:

That's why I asked him, Mr. President, how many appeals there were. He said many, many appeals.

The Chair:

Mr. Givens, I think you made your point rather well and I think Mr. Pellegrini has made his. If this Council votes to appeal, he'll appeal. Otherwise he's not going to appeal.

Mr. Givens:

Then every appeal he must make then must come up in the form of legislation before this Council. Do you want that?

Mr. Pellegrini:

That's not true and that's not what I said.

Mr. Givens:

I will not vote on any appeal —

The Chair:

You can always pass a resolution asking the City to appeal anything.

Mr. Pellegrini:

That's right. You can always —

Mr. Givens:

If the City doesn't want to appeal it then I have to look at the credibility of our Solicitor. Period.

Michelle Madoff:

Mr. Pellegrini, I believe your interpretation to be accurate in that you make the decision and you representing the Administration as to whether there should be an appeal taken or an appeal not taken and I can think a many cases when the Finance Chairman has answered me by saying, "We paid this large sum of money, \$50,000 on a case because if we took the appeal and we lost it, it could have been \$2 million". We can both think of several cases like that. So, the appeal decision becomes one that is made in the Administrative and/or in the legal end of the City. Is that correct?

Mr. Pellegrini:

That's correct.

Michelle Madoff:

Mr. Pellegrini, who hired you?

Mr. Pellegrini:

I was appointed by the Mayor and confirmed by Council.

Michelle Madoff:

Okay. Who fires you?

Mr. Pellegrini:

They Mayor.

Michelle Madoff:

Okay. Who would you say in all honesty, and I don't know whether you

believe in God or not and it's not my business, but whatever you believe in or hold holy to you or responsible to, do you feel your first allegiance is to? The Administration?

Mr. Pellegrini:

In this particular case --

Michelle Madoff:

I didn't ask you that. I did not ask you that.

Mr. Pellegrini:

My obligation is to the City of Pittsburgh.

Michelle Madoff:

If the Mayor said I want you to sue on this even though you believe it to be not a good bill and one we would lose and you believe it not to be good legislation, would you then take an appeal? If the Mayor asked you to take the appeal? If the Mayor asked you to appeal this, would you or would you not take it? Yes or no.

Mr. Pellegrini:

I have never known the Mayor --

Michelle Madoff:

I didn't ask you that question.

Mr. Pellegrini:

I've never been confronted with it.

Michelle Madoff:

I didn't ask you whether you've been confronted; I don't know if you will in the future. Answer my question. If the Mayor told you to do it.

Mr. Pellegrini:

Would we take an appeal in a situation like this?

Mr. O'Malley:

If Council asks you, you're going to take it.

Mr. Pellegrini:

If Council asks me to take the appeal in this situation, I am. If you can get the five votes.

Michelle Madoff:

My point is very clear. You do not work for this Council. You have never worked for this Council. The conflict in the Home Rule Charter is that the Legal Department is indeed representative of the City of Pittsburgh and since we are the Council of the City of Pittsburgh you represent us.

Mr. Pellegrini:

That's not correct. And we don't have a fiscal advisor and we don't buy second hand furniture either.

Michelle Madoff:

You should be doing both because both are immoral when you don't do them. And when you flaunt the fact that we do something wrong and are proud of it, shame on you.

Now, I maintain that the position of the Law Department of this City is no different than when Dave Lawrence took a note out of his right pocket if he wanted a no answer and if he took it out of his left he wanted a yes answer.

Mr. Pellegrini:

I don't understand what you're saying.

Michelle Madoff:

The point is, if the Mayor said, "I want you to appeal this", you'd be appealing it. You don't work for this Council, you never have. You work for the Administration. That's fine.

Mr. Pellegrini:

I think you're making the point at the wrong time.

Michelle Madoff:

That is the point.

Mr. Pellegrini:

If you can get five votes, I'll take the appeal.

Michelle Madoff:

We can override you with five votes.

Mr. Pellegrini:

No, you can't override me.

The Chair:

Are there any further questions in regard to the resolution only?

Mr. Given:

Mr. President, I want to make it very loud and clear to all the members of this Council what the Solicitor of this City is trying to tell us. He says that we need five votes for him to appeal. We do not need five votes. That is his decision.

The Chair:

He did not say that. He can appeal is he wants but in this case he will rely upon five votes from Council.

Mr. Pellegrini:

That's correct.

Mr. Givens:

If you look at the bill that will be before us this coming Wednesday, it's being paid out of Code Account 1075, Miscellaneous Service, Department of Law, \$10,000 for Mr. Hornack. If the Solicitor doesn't appeal it, then that's a judgmental factor that he has to live with. It's also a judgmental factor on this Council for every piece of legislation that comes before us. If this Council, Danny, makes a vote, it's a vote to get outside legal counsel, not to ask the Solicitor to appeal a particular issue before this legislative body.

Mr. Pellegrini:

Councilman, what I inform you is that if Council deems this to be an important issue —

Mr. Givens:

No, no, no.

Mrs. Masloff:

Dick, let him finish.

Mr. Givens:

No way. Sophie, he is to do in his best judgment, as the Solicitor of the City of Pittsburgh, what he feels is best for the City of Pittsburgh. He takes an oath of office as we take an oath of office. There are people out there that are for this, there are people out there

that are against this particular issue. But, for those people who want it and for those people who don't want it, you have a right as the Solicitor of the City of Pittsburgh to take this because it's been asked to be appealed. It's been asked.

The Chair:

Mr. Givens, I think you made your position clear and Mr. Pellegrini has made his clear and Mr. Robinson —

Mr. Givens:

He's opened up a real bag of worms. If he wants us to put five votes up there then I'm going to ask him for every piece of legislation or court cases that he wants to appeal, that he put it in a form of a resolution to come before this Council. And I'll vote it up or I'll vote it down.

Mr. Robinson:

Dan, did you file with the City Clerk a copy of the documents that Mr. Hornack gave to you concerning this case?

Mr. Pellegrini:

No, I did not.

Mr. Robinson:

Would it be possible for you to get those to the City Clerk?

Mr. Pellegrini:

Do you mean the briefs?

Mr. Robinson:

Yes, all the documents that we might have to look at.

Mr. Pellegrini:

Sure. There's no problem with that. I think one was given to Councilman Givens. Is that correct?

Mr. Robinson:

What I'm thinking about is, if at the appropriate time, you and the President think Council should be better informed on this matter, I think it would be appropriate for us to have something on file here with us.

Mr. Pellegrini:

I'll have a copy sent to the City Clerk.

Mr. Robinson:

Okay. The other thing is, I just wanted to mention, I believe we ought to appeal; I don't want to go back into all the discussion, but I think we ought to appeal if for no other reason that I think this issue is so vitally important. It has drawn the kind of interest on the part of the Administration and Council that since it is in the courts that perhaps if we have an opportunity to go forward we ought to at least explore that. That was my reason for wanting to know whether or not Council had some documents that we could review and then talk with you and Mr. Hornack about what is the best way for us to proceed.

Michelle Madoff:

Mr. President, one very important question, if I may. Mr. Pellegrini, forgetting the issue itself, Mr. Hornack said that the issue now becomes clarification of the Home Rule Charter. Is that correct?

Mr. Pellegrini:

No. First of all, there is an issue as to whether there is clarification needed. I think that the whole issue on this case was Section 302D of the Home Rule and Optional Plans Law which is not part of the Home Rule Charter but the act under which Home Rule Charters are promulgated. Section 1302D says that the City cannot regulate, and this is a short version, regulate any employee, occupation or business unless specifically authorized by the General Assembly.

Michelle Madoff:

A lawsuit would clarify that, is that correct? For further litigation that may come up or any other problems that may come up in this Council? Would that in itself be worth appealing just to clarify that?

Mr. Pellegrini:

My own understanding of 302D is that it is so clear that that does not need an interpretation. I know Mr. Hornack's theory and Mr. Hornack's theory here I just don't think has any merit.

Michelle Madoff:

What I'm saying is that you're entitled to your legal opinion and Mr. Hornack is entitled to his, but that doesn't make him a bad guy. That doesn't mean that his opinion is less valid than your opinion. It has come to my attention for the benefit of this Council

Mr. Pellegrini:

It makes it less valid now. Number one, my opinion is the official City of Pittsburgh position. But right now we're not talking about a clean slate where we're arguing whether it's my

opinion or someone else's opinion. My opinion now happens to be the same opinion that the two judges of the Court of Common Pleas have issued. So, we're not talking in a vacuum. We're talking in terms of what the court has ruled.

Michelle Madoff:

I just want to know is would this clarify the difference of opinion on this one issue that is in question. Now, in the brief, the judge decided that four members of Council could not question five members of Council, that we indeed were a legislative body or, I guess a legal body, a judicious body, that we can make our own decisions and it was inappropriate to hear it in the courts. My answer to that judge when I met him privately was, "With that kind of thinking, we'd still have fourteen year olds in sweatshops and blacks at the back of the bus". If we don't have, four members or three members of this Council, do not have a way of going to the courts to appeal in justice, we don't have anywhere to turn.

Mr. Pellegrini:

The only thing I can say is that individual Councilmembers do not have any authority. Council acts as a body. The key here is five votes.

Michelle Madoff:

I understand that. Are you aware and is every member of this Council aware that we spent over \$10,000 already and that the appeal would be on a flat rate of no more than an additional \$2,000. If we've already spent the \$10,000 something, the \$2,000 would be worth the clarification, in my opinion. Just to get clarification once and for all on the question that you and the other attorney disagree on. What makes your opinion more valid than his? Because

two judges agree with you? That doesn't hold water with me although those two judges are friends of mine.

Mr. Stone:

Dannv, if I recall correctly, you were asked to render a legal opinion prior to the time the bill was actually passed. Is that correct?

Mr. Pellegrini:

That's correct.

Mr. Stone:

It's my understanding that you said it was illegal in your interpretation, your opinion.

Mr. Pellegrini:

That's correct.

Mr. Stone:

At the time that the appeal was taken -- Let's start right before that. Before the appeal was taken and after passage, it was still your opinion that the bill was illegal.

Mr. Pellegrini:

That's correct.

Mr. Stone:

At the present time it is your opinion that it is still illegal. Is that correct?

Mr. Pellegrini:

It's still illegal.

Mr. Stone:

Okay. Mr. President, if I may,

without going into some other questions on this thing but, in fairness, relative to our City Solicitor, he was asked to give a legal opinion, he gave a legal opinion, and I think I'm in a position better than anyone to tell whether or not we've gotten good or bad interpretations and opinions from him, and I would be the first to say that as far as I am concerned, I am very proud of the legal expertise that this City Solicitor happens to have. I would also go one step further. I don't believe he is purely a reacting person, that is, this is the way I want it, you give me the result. I think that there's more integrity in this individual and we ought to appreciate that for what it is. The opinion he gave us is the one he would give to the Mayor. Even after it was passed, he indicated that at that point he didn't have to do anything. He said it was illegal. That's it. I think if he went to court and said, "This is now legal" and the court says to him, "Well, you made an opinion already and here it is, it says illegal. How can you be talking out of the other side of your mouth at this particular point?" His choice then was to pick up the recommendation of this Council. I think he was rather magnanimous in attempting to do that and he hired a lawyer of this Council's choice to put that viewpoint, even though he differed with it, to put that viewpoint forward. Again, even though he said it was incorrect and it was illegal and he maintained that posture throughout, it went before two judges and two judges have agreed without too much hesitancy as it seems.

While there are some people who would like to believe that that was something other than a judicious decision, I think that's indicative of the accuser rather than of the deciders. Some people are never satisfied; they never will be. But that's life and that's how it is. But as far as this is concerned

right now, I think the City Solicitor is again acting responsibly. It's his legal opinion that the thing is illegal. It's now been upheld as being illegal by two judges. He's saying again to this Council that in view of that, where do you want to go with a bill that he himself says is illegal. You can't ask him to be any more fair than what he's trying to be here.

Mr. O'Malley:

I just have one quick question. Danny, Mr. Hornack stated that there was already an appeal filed.

Mr. Pellegrini:

That's correct.

Mr. O'Malley:

Does it really make any difference whether one appeal is filed or two or three or four people file an appeal? Is that going to change the outcome of the appeal in any way, shape or form?

Mr. Pellegrini:

It shouldn't.

Mr. O'Malley:

So, in other words, if there's already an appeal filed, the outcome of that appeal is not going to make any difference whether this Council allocates additional funds or not.

Mr. Pellegrini:

That's correct.

The Chair:

If I understand, Mr. Pellegrini, you're saying that if the appeal is upheld

then it becomes law.

Mr. Pellegrini:

That's correct.

The Chair:

Automatically? So it doesn't make any difference if the City appeals or anybody else? The same decision will be forthcoming whether it's the City, SNAC or labor unions.

Mr. O'Malley:

As far as I'm concerned, if we allocated the funds for an appeal that's already being appealed, it would be a waste of taxpayers' money because the outcome is going to be the same.

The Chair:

You make a good point, a very good point.

Mr. Givens:

Mr. President, if I might. I have no more questions for Danny but there's one important area of law right here that I would like, if we could have John Pushinsky who represented the Allegheny Labor Council —

The Chair:

Mr. Givens, we're not going to hear from anybody else. We heard from the attorney who had some knowledge of what was going on. He fought the case. We're not going to hear from everybody else in this room. I'm sorry.

Mr. Givens:

That's your prerogative, Mr. President. I thought he had a very strong labor point —

The Chair:

I ruled he can't speak.

Mr. Givens:

I would like Joe to come back up and sort of summarize to this Council our position right now and to bring out some other pertinent factors when he was cut off from questions and debate. Mr. Hornack, could you come back up to the microphone?

The Chair:

You mean by this time Mr. Hornack hasn't made himself clear to you and this Council?

Mr. Givens:

Yes. We're still on the debate. Please.

Mr. Hornack, I know there are other pertinent areas but you brought out the main three obstacles of why the judges did not vote on it. I asked a pertinent question and the fact that you were hired under the counsel of our Solicitor, not under this City, not under the Council of the City of Pittsburgh and, in fact, being paid out of that. For your clarification, there are two accounts. We have the Miscellaneous Service Department of Law account for our legal actions and each and every Councilperson, through the majority of Council, has the right to go out and seek our own legal counsel in cases where we deem necessary because for many of the reasons that Michelle had brought out, that we feel that on this Council we do not receive the type of opinions.

At any rate, is there anything more significant that you can add to this particular debate before this Council decides what we should do with it.

Mr. Hornack:

Are you talking about the attorney's fees?

Mr. Givens:

Yes, the attorney fees. That's a very good point. How much more is it going to take if your initial bill was \$10,000, how much more would it generally take for an appeal?

The Chair:

I don't think the gentleman can tell you that, Mr. Givens. He's an attorney at law; he's going to have to charge you accordingly. You're asking unfair questions, believe me.

Mr. Givens:

The thing is, you've done what, eighty percent of the basic work right now, ninety percent?

Mr. Hornack:

A lot of the research has been done and an appeal would involve refining those arguments.

Mr. Givens:

Percentage wise, how much, in any appeal that you normally go through, how much of the work has been done? How much more time do you think, how many more hours do you think you're going to have to --

Mr. Hornack:

On the detailed bill which we submitted to Council, there were listed a total of 150 hours. I can tell you that it would be significantly less time. I don't want to be in the position of having to, you know, deal with a bargaining

situation because it's not at all clear that it would be our office that would be retained. All I would say is that if the major concern of Council was the cost of an appeal, then I would be willing to talk about what I feel is a limitation on hours.

Mr. Givens:

My last point is, as I asked the Solicitor, how many times has the City of Pittsburgh's Solicitor appealed. He said many, many times. He appeals even though he's been shot down in the Commonwealth courts of the City of Pittsburgh. He appeals for the right of any citizen that has the right to appeal to exercise their legal actions and I would think that if this City that has a law before it that's not going to have representation before the higher courts of this Commonwealth, it's a slap in the face to this Council and it's a slap in the face to the citizens. We do not have --

Michelle Madoff:

That's not the issue now.

Mr. Givens:

Legal representation up there on a bill we have passed. Overrode the Mayor's veto on and etc., and etc.

The Chair:

It would be very unethical for this gentleman to answer that last question, Mr. Givens, and I think --

Michelle Madoff:

Call the vote please.

Mr. Flaherty:

Wait, I have a question for Mr. Hornack. Sir, how would the Common Pleas Court ruling possibly affect the

City's ability to regulate service stations as far as the posting of prices, or regulate if service stations may be self-served outlets, or for example in the field of regulating the novelty shops in the field of pornography. I'm just throwing out a few of those examples.

If this opinion were to be upheld could it have an adverse effect as to what the City has been trying to accomplish for example the three areas that I just cited.

Mr. Hornack:

Well, each particular factual situation has to be looked at individually, obviously, because you might be talking about another state law that's already in existence on the subject; but my initial recommendation on appeal beyond the question of plant closing legislation was that yes, for legislation that can only be dreamed about at this point or can't even be thought of, conceived of at this point.

A ruling such as this may have a very severe adverse impact on the question of what type of activity that he can do achieved to be a business. That was what my point was on appeal and that's why I thought that, and recommended that an interpretation on this question would be important, because in the past the City has done often times the one that responds rather than the state legislature, and if this type of interpretation were to stay law or at least remain unclear, then in many future circumstances the question could come again and the City may be very hesitant to act when it really has no need to be that hesitant.

Obviously, I have a different legal opinion at this point then the Solicitor does in terms of its long range impact and what exactly that section of the law is; and my recommendation on appeal on

the state law question is that, I would like to see a fuller discussion of what the actual —

Mr. Givens:

Well, that was my basic premise. Mr. President, that was my opening remarks and the underlining issue, I think before this Council right now is the actual Charter that we serve under and if we cannot do what the Charter says in the first article, the first article of this Home Rule Charter, one that was debated very heavily. One who's members in this Council sat on this Home Rule Advisory Committee when it was going through this committee session, and the fact that the people of the City of Pittsburgh voted went to the polls on a referendum question and voted for this Home Rule Charter which we now serve under; and it says in that article one, establish the Home Rule powers, that the City demand, that the City powers be construed loudly by the courts, and confirms the City boundaries some important terms.

I feel that the fact that this is in the courts and the courts are supposed to construe our power. I do not cast any opinions on the Judges in our Commonwealth courts. However, I feel that for us to deny ourselves a bill that we have passed or even overrode the Mayor's veto on, and now if we're not to take it to its completion it would be denying both ourselves and the people that we represent on both sides of the coin.

The Chair:

Mr. Givens, if I may be real quick. The problem with the Home Rule Charter, is that no one to this date seems to know who's to carry the mandates for the Home Rule Charter, it never even established that fact. No

one's ever established who carries out the mandates for the Home Rule Commission.

Mr. O'Malley:

Mr. President, can we call the question, please?

Mr. Flaherty:

Mr. President, I have a few brief remarks. I haven't said anything in regard to this issue, and I would appreciate it if I could have the patience of those who have spoken for the last half hour on it.

The Chair:

Mr. Flaherty, could you do it while we're voting. You going to be the first vote anyway.

Mr. O'Malley:

Call the question.

Mr. Flaherty:

Thank you for your courtesy, Councilman O'Malley.

Mr. O'Malley:

Your welcome, Councilman Flaherty.

The Chair:

The motion and a second to appeal the plant closing decision. Clerk call the roll.

Michelle Madoff:

Is is an aye vote to appeal?

The Chair:

Aye to appeal, no not to appeal.

Mr. Flaherty:

I support the appeal and I will take the opportunity now to just state my reasons why. I believe that comparatively speaking the issue of plant closing legislation was an epic for this Council, and for the supporters of the bill, and for the opponents of the bill. I think it is a law that will certainly spawn from the neighborhood movement and from the Labor Council's involvement.

As, Councilman Givens' was earlier saying in questioning our City Solicitor, he was trying to force the Solicitor into the position of appealing it on his own discretion. I believe that the Solicitor has the latitude not to appeal this if he does not want to; and I think that's the way it should be. We know where the Solicitor stands and we know where his superior the Mayor stands on this issue. They are unalterably opposed to it and their remarks are as biased against it as perhaps mine or some of the supporters of the bill are in favor of it; but regardless now is the time for accountability, and now is the time for each member of City Council to show where they really stand on plant closing legislation.

It is my belief from what I have garnered from the public hearings from all the debates that Council is unanimous that all members of Council are supportive of plant closing legislation in principle or in concept in the general sense. The detractors seem to way their criticisms or hang their criticisms on the supposedly legality of the bill. I think we have started on the road to testing the legality of this bill. This is a test that will cost the City a few thousand dollars, \$10,000. Comparatively speaking that's

peanuts. The Law Department annually goes through close to \$2 million annually. So, you can see in a comparative sense that it is really nothing and that argument is insignificant as far as the cost. It must be balanced against the concerns of unemployment and the trauma and often times tragedy that it incurs.

We are aware that Allegheny County Labor Council is appealing the Common Pleas Court decision. We are aware that the Pittsburgh Neighborhood Alliance inclusive within Save Our Neighborhood Action Coalition is appealing this decision. I think Council should line up with them. Council should put the full weight of the City of Pittsburgh behind this appeal in Common Pleas Court. It's as simple as that. You're either with labor and you're with our neighborhoods or you're against them.

Mr. Givens:

I vote aye, Mr. President, and I'm sorry if I was a little bit emotional on this particular issue, but when I read daily newspaper reports, see some 6,000 thousand people that are going to be unemployed, and I see many of the youth in our City walking the streets of the City of Pittsburgh, when I see this Council striving and spending millions of dollars that the federal government has just given us for this unemployment; I think it's about time that business and labor and government; and it's a big question mark, there's been many seminars over the last several months and past year and this turnaround within our country as to what has to happen? What has to happen in order for the local communities to keep up with the ever changing environment that we live in, and the world market as many people call it today, and it means now that government must sit down.

This plant closing legislation in my view was not anti-business. It was to bring business in in a cool collective manner with a committee appointed by this Council with a bureau that would go out and not scrouge through the books of some business enterprise out there, but to go out and say, we have X program here that might be able to help you. It's not the major industries in some cases. It's the smaller industry that need this help but do not have the expertise, that do not have the legal attorney's, that do not have the taxation attorney's, and etc., to help them out of some of the dilemmas that they get in, and the small businesses and the smaller manufacturing.

It was an entity to bring everyone together, but I plead with my fellow Councilmembers in the idea of unity and purpose of working together. That was my total purpose in introducing this plant closing legislation. It's the human element involved. If local government does not do something to turn around the local Pittsburgh market, if the Allegheny County government, and state government do not do something to turn around our state unemployment situation. If you look at the unemployment figures what state, what district, what area is hit the hardest? We're sitting right in the middle of the biggest depression that ever went on. Within a couple of more weeks when the unemployment runs out you'll only begin to feel the pinch and maybe sometime some of us have to be unemployed ourselves to realize what the unemployed are going through.

Michelle Madoff:

Mr. President, as I drove to work today there were about five accidents on the Parkway because of the rain and I was in my car for sometime, and I heard a report that I would like to learn more

about, but essentially the bottom line of the report was, just what you were just saying, that while the rest of the country is having a recovery the northeastern City's were not in a recession, we were in a depression, and they anticipate that this will continue for a greater period of time, that we're not going to come out of it for many years to come and it's going to get worse.

The City's that have industries such as steel and heavy industry will not recover quickly and they're moving kind of slow in generating jobs. Are limited in the number of people that will be hired and that most of the jobs will still continue to go to the South. So, what we're confronted with here today is, what responsibility do we have to those people who have given their life blood to this community. The industry is like in many instances like the horse and buggy, it's gone, never to come back in many instances. Can we at least give them enough notice so that they can have enough time to put their lives in order? That is one factor that stands out in my mind. Even if we lose the appeal at least what we're going to be doing is putting those industries who have had an attitude of ignoring the human factor in saying they don't give a damn that at least they're going to have a consciousness raising process take place, so it will not be an entire loss; and if for no other reason at least we're going to clarify this question of the Home Rule and our jurisdiction. I think the money is so insignificant that at this point, I will vote aye for appeal.

Mrs. Masloff:

Mr. President, I stand on my record for voting for labor and for supportive in neighborhoods. I can see no point in spending anymore money on an issue that the courts have spoken on, no.

Mr. O'Malley:

Some times the actions of this Council reminds me of that of a small child. If a child looking at a fire and you tell them, don't put your hand in the fire you're going to receive a burn and the child thinks about for a few minutes sticks his hand in the fire, sure enough he gets burnt. Well, it's the same as the actions of this Council we were told by our Solicitor that Section 103 of the state charter clearly prohibits City's from acting laws regulating business.

This Council allocated \$10,467 for Mr. Hornack to go into court and to challenge, to uphold what they felt was right. Judge Narick, Judge Papadakos agreed with our City Solicitor that it was clearly illegal. Now, the child looking at the fire again thinks about it for the second time sticks his hand into the fire and receives a second burn, you've got to come to the conclusion that the child must be a hard head. That's sort of like the actions of this Council for the second time to come back and ask for additional funds for an appeal, to waste another \$2,000, \$4,000, \$5,000 of the taxpayers money.

What would make it seem like this Council is a hard head is that there are already two people appealing the ruling. Already two people appealing the ruling and there would be an exercise of futility to appropriate the funds for a third time. I vote no.

Mr. Robinson:

I vote aye, and I think that it is essential that this Council protect itself at all times and particularly in matters as important as this. We certainly have a City Solicitor and we certainly have the resources to plead our case. I think the fact that this Council put so much time and effort into this issue that we so

earnestly attempted to address all the issue that it would be inappropriate at this time to allow others to carry our burden.

I don't think the cost of the appeal is really the question. I think the question is, whether or not this Council is going to defend to the last those laws that it passes and I think there is a presumption that all the laws that we pass are legal. If, in deed, the court system is the process of last resort then I think we ought to let it function and if other groups and orgnaizations who supported us in passing this bill have put up their time and effort to appeal, I think the least we can do is put up the time and effort of the City of Pittsburgh to appeal. I think we have an obligation to appeal and that once this issue is resolved in the court, I would hope that all sides would respect that final decision and that we could move on with working cooperatively to make this a better City.

Mr. Stone:

Mr. President, I would like to repeat that the original intent was good. I have no problem with the original intent of the legislation. Something had to be done. This particular piece of legislation is wrong. It's too restrictive and it's not now an issue as whether we do something or not do something, but to do it in this one specific way as outlined in that bill it is in my opinion an error, and therein lies the error in the illegality. The best hope for any legality if ever is in a broad interpretation and I might say that interpreting something broadly does not mean to rupture the interpretation.

To offer illegal legislation is not a solution to the unemployed's problem, but to continue to pursue illegal legislation is not to solve but rather to aggravate the plight of the unemployed,

because nothing is happening while this illegal legislation continues to be pursued. I believe it's time to look for a new present solution to the plight of the unemployed, and frankly, enough is enough, and my answer is no.

The Chair:

I want to go on record as saying, I'm not questioning the Attorney's fees or the Attorney's charge. I'm voting no strictly because I feel it's very illegal.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens

Mr. Robinson
Michelle Madoff

AYES 4

NOES 4

(MRS. MASLOFF, MR. O'MALLEY, MR. STONE AND MR. DEPASOUALE VOTING NO)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Stone moved to excuse Mr. Woods for absence from the meeting.

Mr. Robinson seconded the motion.

Which motion prevailed.

and on the motion of **Mr. Givens**

Council adjourned.

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, September 19, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

ABSENT:

Mr. DePasquale

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Malley:

This indeed is a sad day for the residents of the City of Pittsburgh. I think you're all aware that we had a police officer shot Friday and this resolution is in his honor. I'd like to ask Leo and Pat McNamara if they would step up here for a minute, please.

I think this demonstrates to the residents of the City of Pittsburgh exactly what our police officers go through. I think almost everybody knows that my dad spent almost 37 years in the police department and my uncle is a police officer and my cousin is police sergeant. Every day that they put that uniform on, they're never really sure if they're going to run into something like this, whether they're going to run into a burglary or a shooting. I think when something like this happens to a police officer, I think we all realize the dangers of that job and that we owe them a debt of gratitude for the job that they do and we owe them 100 percent of our support.

Mr. O'Malley presents

Bill No. 3721 WHEREAS, Detective Norman Stewart served on the Pittsburgh Police Force for fifteen (15) years; and

WHEREAS, Detective Norman Stewart was active in the Bidwell Street United Presbyterian Church and the Boy Scouts; and

WHEREAS, Detective Stewart tragically lost his life in the line of duty;

and

WHEREAS, Norman Stewart will be missed by the Police Force of the City of Pittsburgh and by all who came to know him during his fifty-two (52) years on this earth.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh wishes to extend their deepest sympathies to Norman Stewart's wife Donna Stewart, his daughter Rona Stewart and his son, Robert Stewart.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I'd like to present this to Pat McNamara who is President of the F.O.P. and hopefully he'll present this to Mr. Stewart's family.

Mr. McNamara:

I want to thank City Council for this resolution today. There's no doubt words will not heal the wound that has been opened because of this shooting. I ask everybody here if you can make the funeral services tomorrow at 1:00 in front of the Bidwell Presbyterian Church located in the Manchester section of the City to strongly show your support of this police officer killed in the line of duty. It's taken a little bit out of all of us and it certainly will be a long time before we'll be able to heal.

Thank you.

Michelle Madoff:

May I ask a question, please?

Pat, do you feel that the lack of the number of police that we need to have a full contingency might have helped the situation or would it have no bearing on it? I mean, did they have enough back up? I'm very concerned about the police having what they need.

Mr. McNamara:

I think we all are but a shooting can occur at any time. We watched the President of the United States shot when all of the best policemen were around him. So, it can occur at any time. I couldn't answer your question.

Michelle Madoff:

I think what I'm saying, I think what we've talked about many times together, is that people don't understand that everytime a policeman goes down a dark alley he's putting his life on the line. They think police are over paid. Well, they're not overpaid.

Mr McNamara:

Thank you.

Mr. O'Malley:

As I said, this is a sad day in this Council. Myself and Councilman Givens have another resolution here. This is about an intended visit of Ian Paisley from Northern Ireland. Mr. Paisley is one of the great war mongers and haters of all times.

Mr. O'Malley and Mr. Givens presents

Bill No. 3720 WHEREAS, Ian Paisley, a member of Parliament from Northern Ireland, has been invited to

come to Pittsburgh as a member of the Northern Ireland Industrial Development Board; and

WHEREAS, Ian Paisley has openly condemned the Catholic Church; and

WHEREAS, Ian Paisley preaches violence, not brotherhood; and

WHEREAS, Ian Paisley has invited riots resulting in bloodshed and death; and

WHEREAS, Ian Paisley has condemned the Pope; and

WHEREAS, Ian Paisley's supporters have in the past hurled debris and abuse at the papal motorcades; and

WHEREAS, Ian Paisley has consistently supported blatant economic discrimination against Catholics in Northern Ireland; and

WHEREAS, the Congressional Committee for Irish Affairs has urged the Secretary of State to disallow Ian Paisley from entering the United States.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh strongly urge that Ian Paisley's visit to Pittsburgh be canceled, and that corporations and their Pittsburgh affiliates cease to have contact with the Northern Ireland Industrial Development Board as long as Ian Paisley is a member.

Mr. O'Malley moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley:

I'd just like to say a few words of my own. Mr. Paisley does not stand for hate and discrimination just against Catholics. Mr. Paisley is what I would call the true walking and talking definition of hatred, discrimination and prejudice against all people and against all mankind.

There is no room in America and there is certainly no room in Pittsburgh for Mr. Paisley, for all the Mr. Paisley's of this world. I say to you, let Mr. Paisley take his hatred, let him take his discrimination and let him take his prejudice somewhere else because we don't need him here in the City of Pittsburgh.

I would just urge the officers and the members of the Duquesne Club to deny Mr. Paisley access to their club.

Now I'd like to call a vote on the resolution.

Michelle Madoff:

Discussion. Could you give me some idea of who is a member of the Northern Ireland Industrial Development Board? What do they do in the City? What businesses do they have? I mean is it the Irish shop at Station Square? I want to know what you're talking about. I want you to be very specific. I don't want to deal in vagaries.

Mr. O'Malley:

Michelle, this has nothing to do with the Industrial Development Board. We're all in favor of the Industrial Development Board. They're trying to bring peace to Northern Ireland. What we're against is people like Ian Paisley, who represent hatred, sitting on that Board.

Michelle Madoff:

I understand that but you're asking us not to do business with them.

Mr. O'Malley:

We would like to have the Board come to Pittsburgh without Mr. Paisley being involved in it. That's what we're asking for.

Michelle Madoff:

In other words, the Northern Ireland Industrial Development Board is a board that's coming here to try to create business and perhaps import-export business with us or create partnership businesses here. Do they have any now?

Mr. O'Malley:

What they're trying to do is get Pittsburgh corporations to invest in Northern Ireland. Northern Ireland, I'm sure you're well aware, discriminates against Catholics and this Council has always stood against discrimination whether it was against Jews, Blacks, Polish, Italian, Irish or any other nationality. What we're saying is that we don't want the corporations to invest the money in Northern Ireland if you're only going to have 99 percent Protestants working there. What we're saying is that we want equality in Northern Ireland. We don't need people like Mr. Paisley who openly preaches hatred against —

Michelle Madoff:

Councilman O'Malley, I understand your motion. I think you're missing what I'm asking. Have they established any liaisons in this community already? Are there any businesses here now?

Mr. O'Malley:

That's why they're coming here Thursday.

Michelle Madoff:

But they have none existing at this moment?

Mr. O'Malley:

I'm sure there are corporations that have invested in the past in Ireland.

Michelle Madoff:

How do we get that information?

Mr. O'Malley:

That's a good question.

Michelle Madoff:

I would like to ask you if you would pursue this, perhaps you and Councilman Givens, to try to get a list of who is doing what to whom, where, when and how so that we can make our resolution more than rhetoric and really put some pressure by having the media publish who we want boycotted.

Mr. O'Malley:

Michelle, you're missing the point. We don't mind the investment; we like the investment. What we're against is hate and discrimination.

Michelle Madoff:

But your resolution says that we cease doing a contract with them. So, until he's off you don't want contact with them. I want to know who we don't have contact with.

Mr. O'Malley:

Okay. We'll get you that information.

Michelle Madoff:

Thank you.

Mr. Givens:

If I might, there within the audience, we have some fourteen representatives from the various Irish American concern and also that of Pennsylvania labor.

I would like to invite up to the microphone to say a few words on some of the background, what is happening in the real world out there and how this particular group is being discriminated upon. At this time I would like to invite Dr. Sean Nolan, Michael Cribbinn and Leo Sweeney to come up and make a statement or two on behalf of this particular resolution and some of your findings and maybe some of the questions that Michelle has brought forward right here.

I would also like to say that we have an ad hoc committee in Washington, D.C. made up of 102 Congressmen mainly chaired by Mario Biaggi and in fact, they have been after this particular situation for some time. When you talk about discrimination, let's get down to basics. I think that's what Michelle was asking for. Thirty-nine percent of the people in Northern Ireland are of Catholic faith. When you look at who is hired in the business community in Northern Ireland, only eight percent of the people of Irish faith are hired in these major corporations. When you turn that around and look at who is at the mid-management and the higher management levels of these corporations, it's just about zero. I have

read many facts and figures on this and I'm sure these gentlemen here can expand on what I have to say.

Mr. Sweeney:

I'm Leo Sweeney, Chairman of the Pittsburgh Branch of Irish Northern Aid. Reverend Paisley has some very interesting views and certainly the people of the City of Pittsburgh should not be deprived of hearing those views. However, we feel that the inclusion of Ian Paisley and the other political members from Northern Ireland represents just one side of the story. Sinn Fein has not been permitted to send a representative. This represents censorship by denial of visa. The American people have long believed in fair play. We believe that not to be able to have Sinn Fein present itself does not represent fair play to the American people. Nobody is asking for support for Sinn Fein; all we're asking for is to hear both sides of the story and let the American people decide what's right.

The other thing that we're concerned about, of course, is this economic situation. The Northern Ireland Industrial Board is asking us to support industry in Northern Ireland, the idea being that by bringing jobs into Northern Ireland that peace can be obtained. We want peace in Northern Ireland as well as you do and I think many of us know more about what's happening there than most Americans do. However, until there is an affirmative action program in place that can guarantee minority members of Northern Ireland jobs as well as the majority, we're opposed to the Northern Ireland Industrial Board.

Finally, if there is some spare capital around to invest, it seems to me there are a lot of people in Pittsburgh that are out of jobs. Why don't we invest

it here?

Thank you very much.

Michelle Madoff:

Are we sending a copy of this resolution to the President?

Dr. Nolan:

My name is Dr. Sean Nolan, I'm Local President of the Irish National Caucus and on the medical staff of Shadyside Hospital and Assistant Professor of Medicine in the University of Pittsburgh School of Medicine.

I have just returned from a trip to the north of Ireland where I participated with Congressman Ottinger of New York who was sent on a fact finding mission to the north of Ireland to examine the deplorable record of discrimination in employment by American firms who are represented in the north of Ireland. These are all American firms; there are about 45 of them or so and all of them, it seems, without hardly any exception discriminate against Catholics. In other words, they'll follow the pattern of discrimination that is extant in the north of Ireland.

Shores Brothers, which is the largest employer in the whole of the north of Ireland and employs a great many people in the City of Belfast, is a subsidiary of Harlington-Wolfe, one of the largest ship builders in the world at one time. Shores Brothers now build airplanes. Then tended their name for a contract which was sent out to bid by the United States Forces for a supply, \$40 million worth of airplanes. It looks like the American Administration is about to grant this contract to Shores Brothers.

Shores Brothers is, as I said, the largest employer of people in Belfast.

Belfast is a city which is populated 40 percent Catholics and 60 percent Protestants. Shores Brothers employs 8 percent Catholics among its employees. So, in a city which has 40 percent Catholics, this largest employer employs 8 percent Catholics. A tremendous discrimination. Ever since its inception, discrimination and bigotry has been part and parcel of Shores Brothers. It is not proper; is it, for us in the United States Administration to permit that \$40 million of our money should go to an administration which is so flagrantly in abuse of the Helsinki Accord, which are laws that we have espoused. I think we should add our name in protest to that type of thing which goes on behind our backs and which the Irish National Caucus and the Ad Hoc Congressional Committee of Irish Affairs of which Mr. Coyne and Mr. Walgren are a very active part of in Washington, D.C., and we should support their efforts.

Thank you very much.

Mr. O'Malley:

I'd like to thank members of City Council for supporting the resolution.

Mr. Flaherty presented

No. 3688 Resolution repealing Item (D) of Res. No. 651, appr. 8-1-83 for the sale of a 2 Sty. Brk. Bldg. at 1009 N. Lang Avenue, 13th Ward, 174-E-139 to Bill and Cassaundra Wright, for the sum of \$7,000.00. Resolution is to repeal sale and return hand money.

Also,

No. 3689 Resolution amending Item (B) of Res. No. 697, appr. 8-25-83 for the sale of vacant land on Cliff St, designated as 9-M, Lots 197-197A-198 to Stephanie Johnson, for the sum of \$1,000.00. Amendment is to correct

T.D.B.V. number from 12 to 13. Both the proposal and the Resolution should read T.D.B.V. 13, not 12.

Also,

No. 3690 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3691 Resolution transferring the sum of \$100,000.00 from Code Account No. 1167, Wages, Regular Employees, \$50,000.00 and Code Account No. 1170, Wages, Reporting Time, \$38,000.00, and from Code Account No. 1169, Wages, Regular Employees - Sick Leave, \$12,000.00, to Code Account No. 1174, Rental of Equipment in the Dept. of Environmental Services. This transfer is necessary to cover the additional costs from the expanded use of 30 cubic yard drop boxes.

Which was read and referred to the Committee on Finance.

Also,

No. 3692 Resolution providing for an Agreements or Agreements between the City of Pgh. and the Port Authority of Allegheny County whereby the Port Authority agrees to assume ownership and maintenance of the Duquesne Incline Footbridge in exchange for the City's acceptance of ownership and maintenance of fences on the designated vehicular bridges.

Also,

No. 3693 Resolution providing for a Contract or Contracts for the Demolition and Replacement of the Duquesne Incline Footbridge over Carson Street West, including work on private property and other work incidental thereto, at a cost not to exceed \$260,000.00 chargeable to and payable from Code Account No. PW 83-39, 4-01-30-0405-83, Demolition and Replacement of the Duquesne Incline Footbridge.

Also,

No. 3694 Resolution amending Res. No. 361, appr. May 18, 1983, eff. May 27, 1983, entitled, "Providing for a Contract or Contracts for the E. Sycamore Street Hillside Stabilization, including necessary work on private property and other work incidental thereto, and to enter into any agreements necessary for the construction of this Contract; and providing for the payment of the cost thereof," by reducing the project allocation to - 0 -.

Also,

No. 3695 Resolution amending Res. No. 1243, appr. Nov. 20, 1980, eff. Nov. 26, 1980, entitled: "Granting unto Bell Telephone Company, 201 Stanwix Street, Pgh., PA 15219, its successors and assigns, the privilege and license to construct, maintain and use at its own expense a Bell Telephone Utility Cabinet behind the sidewalk portion of the various agreed upon locations in the City of Pittsburgh," by amending the title.

Also,

No. 3696 Resolution granting unto Santo Construction Co., their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk encroachment on a portion of the

sidewalk at 4500 Liberty Avenue, in the 8th Ward of the City of Pittsburgh.

Also,

No. 3697 Resolution granting unto the Association for Retarded Citizens, 1001 Brighton Road their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a projection, over a portion of the sidewalk of Beech Avenue in the 22nd Ward of the City of Pittsburgh.

Also,

No. 3698 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval to make payment to Brayman Construction Corporation for extra work in connection with the Forbes Avenue Bridge, at a cost not to exceed \$1,050.00 payable from Code Account No. PW 83-18, Misc. Repairs to Streets and Structures.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3699 Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Services in connection with the painting of the Squirrel Hill and Herron Water Tanks, at a cost not to exceed \$3,000.00 chargeable to and payable from Capital Budget Account No. WD-83-21 (4-05-30-0003-83), Department of Water.

Also,

No. 3700 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment of \$17,041.50 for the

purchase of chlorine from the PB&S Chemical Company, payable from Code Account No. 1750, Chemicals.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3701 Resolution providing for a Contract or Contracts or the use of existing Contracts for repairs at various park facilities including a retaining wall on Circuit Road in Schenley Park, paving at Clemente Park and paving at Mellon Square, at a cost not to exceed \$50,000.00, \$20,000.00 chargeable to and payable from Project Code 4-10-15-0020-83 (PR 83-21) Trail Rehabilitation and \$30,000.00 from 4-10-15-0002-83 (PR 83-17) Major Repairs and Emergencies, Dept. of Parks and Recreation.

Also,

No. 3702 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for herself to attend the National Congress for Recreation and Parks in Kansas City, Missouri, October 2-6, 1983, at a cost not to exceed \$800.00 payable from Code Account 1801, Misc. Services.

Also,

No. 3703 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Jacqueline Dorsey to accompany (46) senior citizens to Tionesta, PA, on Sept. 20, 1983, at no cost to the City of Pittsburgh. Prior approval granted by Council.

Also,

No. 3704 Communication from

Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Maureen Frumen to accompany (48) senior citizens to Wheeling, VA, on Oct. 11, 1983, at no cost to the City of Pittsburgh.

Also,

No. 3705 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Patricia Haynes to accompany (57) senior citizens to Fombell, PA, on Oct. 18, 1983, at no cost to the City of Pittsburgh.

Also,

No. 3706 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Joseph B. Natoli and Phillip Chlorazzo to attend Central Park Conservancy Conservation Workshop in New York City on October 20-21, 1983, at a cost not to exceed \$1,400.00 payable from Code Account No. 1801, Misc. Services.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3707 Resolution amending Res. No. 941, appr. Sept. 24, 1982, to provide a training program for assigned personnel of the Bureau of Building Inspection by changing the provider of the service to Building Officials and Code Administrators International, Inc. and increasing the cost from \$3,000.00 to \$18,000.00 chargeable to and payable from Code Account No. 1476, Fire Department, Bureau of Building Inspection, Misc. Services.

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the Agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3708 Communication from Charles Lewis, Chief, Dept. of Fire, requesting authorization for Paul J. Imhoff to attend the 5th Annual Education and Research Conference of the Association of Major City Building Officials in San Antonio, TX, Sept. 29 to Oct. 1, 1983, at a cost not to exceed \$875.00 payable from Code Account No. 1476, Bureau of Building Inspection.

Which was read and referred to the Committee on Public Safety.

Mr. Woods for Mr. Stone presented

No. 3709 Resolution providing for the issuance of a \$2,539.83 warrant in favor of Bell of Pennsylvania for damage to a underground cable by Dept. of Water Personnel, payable from Code Account No. 46, Judgments.

Also,

No. 3710 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 3711 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting authorization for himself, Barbara Funari, Lois Brown and Fred Brenner to attend site visits in Houston, Texas, and Phoenix, Arizona, Sept. 21-24, 1983. The total cost will not exceed \$5,600.00, of which \$3,440.00 is for airfare, chargeable and payable from Code Account, C.F.M.I.S., Controller's Financial Management Information System. Prior approval granted.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3712 Resolution providing for a Lease Agreement between the City of Pittsburgh, Dept. of Personnel and Civil Service and the Public Auditorium Authority of Pittsburgh and Allegheny County, for Entry Level Fire Examination, providing for the payment of the costs not to exceed \$7,900.00 payable from Code Account No. 1100, Misc. Services, Dept. of Personnel and Civil Service.

Which was read and referred to the Committee on Supplies.

Mr. Woods for Mr. DePasquale presented

No. 3713 Communication from Michael Perry, City Clerk, requesting authorization for Linda M. Johnson, Assistant City Clerk to attend the Fourth Annual Council Staff Conference, held in Atlanta, GA, on Sept. 29, through Oct. 1, 1983. Total cost not to exceed \$750.00 chargeable to and payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, City Council.

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods moved to suspend Rule 8 providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

I'm opposed to that motion. Why weren't they completed? What's your budget, Mr. Perry?

Mr. Perry:

For Personnel?

Michelle Madoff:

Yes. What's your budget each year, Mr. Perry?

Mr. Perry:

I really don't know what the figure is.

Michelle Madoff:

Ballpark it.

Mr. Perry:

Ballpark? Eight hundred thousand.

Michelle Madoff:

And with eight hundred thousand dollars you can't get these things out five times in a row? Could you tell me what happened this time? Specifically.

Mr. Perry:

The employee that I had on the NBI machine was off —

Michelle Madoff:

Who backs her up?

Mr. Perry:

I have a back up, another employee backs her up.

Michelle Madoff:

And she got sick too?

Mr. Perry:

No, she was here doing her duties. It just happened to be that we were filled up, Michelle, and I couldn't get it done.

Michelle Madoff:

Well, I noticed, with all due respect, I don't know whether it's the scheduling or what's going on but Wednesdays, Thursdays and Fridays we seem to not have that much to do and in the beginning of the week there's a lot more to do. Maybe we need to train more people to double in other jobs.

There's a tremendous unemployment out there. I think something has got to happen so that this doesn't happen repeatedly. This is not the first time. I know that you're as disgusted with it as I am if not more so. Is that correct?

Mr. Perry:

Yes, I'm disgusted with it.

Michelle Madoff:

And you'd like to do something about it. What can we do? Can we meet with you, as members of Council, and tell us what your problems is so that we can do something to resolve it because obviously you have personnel problems that you're not able to deal with.

Mr. O'Malley:

Michelle, if I might interrupt here. I'm going to call a post agenda Wednesday with Mr. Perry there. As yourself, myself and other Councilmembers, we have a lot of concerns that we want to address. Considering we can't address them in private we're going to address them in public.

Michelle Madoff:

You mean like not getting your office —

Mr. O'Malley:

Like not getting the office, and any simple questions answered by Mr. Perry, not getting tools that we need to do the job. A lot of questions have to be answered.

Mr. Perry:

Certainly. No problem.

Michelle Madoff:

I have a lot of confidence in Mr. Perry. I want to know what happened and why his hands are tied.

Mr. Perry:

Thank you.

Mr. Woods for Stone presented

Bill No. 3714

Report of the Committee on Finance for September 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3576

A Resolution entitled, "Resolution amending Res. No. 1377, eff. 12/31/81, entitled: 'Providing for a warrant to Stanley Magic Doors, Inc., at an aggregate cost not to exceed \$3,500.00 for material and work performed on the automatic doors at the Ross Street entrance of the City County Bldg. and providing for the payment thereof,' by reducing the project cost from \$3,500.00 to \$3,120.00."

Which was read.

Michelle Madoff:

May I discuss that bill? I'd like to take that one by itself; it's a very serious issue.

This is for the handicapped people to get in and out. Since I have been on this Council five and one half years, practically, that door isn't working. You go into a department store, you go into a grocery store, they work. We're reducing the cost on it; have we paid them? Is that what we're doing? They've adjusted the price? It still isn't working. Is that correct? I understand it wasn't working today.

I want to know why we're not suing them. I want to know who installed it. I want to know what the problems are and I want this held until we get information. I don't want to pay them a

dime until we know what the story is.

The Chair Pro tem:

If you want to pay them less then we should pay them less.

Michelle Madoff:

I don't want to pay them anything. As a matter of fact, I want them to pay us.

Michelle Madoff moved to recommit Bill No. 3576.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

Bill No. 3583

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ram Construction Company in the amount of Twenty Two Thousand Four Hundred Twenty One Dollars and Ninety Four Cents (\$22,421.94) in payment for Extra Work, being in addition to the original contract price of Three Hundred Sixty One Thousand Nine Hundred Fifty Five (\$361,955.00) Dollars on Controller's Contract No. 26154, furnished for the benefit of the City in connection with the Removal of the Rock Slide from Saw Mill Run Boulevard with previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3584

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Richardson, Gordon and

Associates in the amount of Twenty Three Thousand Eight Hundred Fourteen Dollars and Eighty Three Cents (\$23,814.83) in payment for Professional Engineering Services furnished for the benefit of the City in connection with the Toxic Waste Investigation at Pier 4 of the Bloomfield Bridge, Phase II; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3586

A Resolution entitled, "Resolution transferring the amount of (\$5,000.00) Dollars from Code Account 1612, Materials to the following Code Accounts in the amounts specified: 1612-1, Repairs - \$2,500.00 and Code Account 1612-2, Equipment - \$2,500.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3605

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Gulli Contracting Company in the amount of \$11,000.00 in payment for removal of poor clay material, replacement with slag and 30' of drain pipe at Friendship Park, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3619

A Resolution entitled, "Resolution providing for the issuance of a \$1,001.70 warrant in favor of Wallace Baker in settlement of claim for automobile damage and providing for the payment

thereof."

Which was read.

Also,

Bill No. 3620

A Resolution entitled, "Resolution providing for the issuance of a \$850.00 warrant in favor of Mary Shiner in settlement of claim for automobile damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3621

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Computerworld, for the cost of advertisement run in Computerworld without previous authority of law."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3622

A Resolution entitled, "Resolution transferring the sum of \$6,000.00 between code accounts within the Department of City Controller."

Which was read.

Also,

Bill No. 3623

A Resolution entitled, "Resolution amending Res. No. 35, appr. Jan. 31, 1983, entitled, "Providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations and tests for the Civil Service Commission's Medical Examination Program for Police Officer Candidates, Firefighter Candidates, and other candidates for employment and promotion; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3624

A Resolution entitled, "Resolution amending Res. No. 34, appr. Jan. 31, 1983, entitled, "Providing for an Agreement or Agreements with Joseph M. Mazzei M.D., for professional services in connection with the examination of candidates for employment as Police Officers, Firefighters, Paramedics, School Crossing Guards, and extra helpers, and

providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

On Bill Nos. 3623 and 3624, Councilman O'Malley, do you have a resolution, I'm sorry I was not here, that you are going to be amending?

Mr. O'Malley:

Bill No. 3623?

Michelle Madoff:

Yes. Was it amended or is that a separate bill you're introducing at a later time about height and weight? My aide reported something to me and I didn't know what that was about.

Mr. O'Malley:

It has nothing to do with this piece of legislation.

Michelle Madoff:

Okay. I would like to read a letter into the record, please, that I received signed Melanie Smith to Mike Perry, dated September 15th.

"Dear Mr. Perry:

In response to your letter of September 8, 1983 regarding Councilmember Madoff's request for 'names and addresses of all police candidates that failed the psychological portion of the police exam', the following information is submitted.

The rules of the Civil Service Commission provide that the psychological testing records are classified and will not be made available

for public inspection or any other use. Applicants have been assured of the confidentiality of the psychological evaluation process including the results of their evaluation. Therefore, the information requested cannot be provided."

Now, I wholeheartedly support confidentiality when somebody is having a psychological test. But as my experience in my office, and I'm sure other members of this Council who saw fit to hold a post agenda on the fact that 80 percent of the police are failing their psychological test, that somehow or other we have to get to those people to let them know to contact various members of Council.

I am personally going to have my aide run an ad in the paper under "personals" saying that if anybody wishes to get in touch with Michelle Madoff, member of City Council, and voluntarily tell them that they failed their test, I am going to pursue it to the point where, if they feel they're justified, they go out and have two psychologists test them and, as we've already had one member do, pass. The first psychologist said he was qualified. They use the standard test. We'll see what the second one says. If the second one says they're qualified then I'm going to raise all whatever here. But I don't think we have an 80 percent failure. Something is wrong somewhere. One point six million and we're 105 policemen short.

That was what my question was aimed at this morning when I was concerned about backup for the police. I understand that you can get shot not being a policeman. You can get shot in the line of duty. But we are 105 police short and I think they're spread thin, if I may quote Mr. Stone, for minimum security purposes.

Now, somehow or other, that word has to get out to the public. If there's any police candidate, someone who has applied for a police officer's job, that has failed their psychological test, please get in touch with my office or any other member of this Council who is interested.

If anybody supports that I would appreciate your supporting my ad. I'll pay for it out of my pocket but I think it's terribly important that we do that. There's no way that we're going to find out unless they want to tell us voluntarily.

Mr. Givens:

Michelle, it really comes down to cut the bait. When that bill came up for that particular Psychological Service, Inc., who were the people that did not vote for it in this Council?

Michelle Madoff:

You and me. But I think we get snowed alot.

Mr. Givens:

That's right. I suggested to the Administration and I made public at that particular time that if you pay any outfit that fails 80 percent of the people of the City of Pittsburgh, then something is wrong with that testing outfit. There is something absolutely wrong. I've asked for that same list that you've asked for, Michelle, but not on the psychological. I just asked for all those who have failed. That was last Wednesday, Mr. President, and to this day I still do not have any correspondence in regards to this. This is a serious nature; it is not going to go away. I think there's other Councilpeople who are investigating into this and I assure you that this Councilman is not going to stop until the

total investigation is made. Eighty percent failure in psychological, there's something wrong, very desperately wrong someplace. They're reaching into the grabbag and picking out those people, I feel, that they want to serve, not the ones who are totally qualified. As a result, we need much more investigation on this particular one.

Michelle Madoff:

Mr. Stone, repeatedly during votes on this nature, who have said that you are distressed, correct me if I'm wrong, that we spend all this money to prepare a list and then we don't use the list for so long that by then the people are gone. I don't want another list prepared; I'm sure you don't unless we're going to be assured that they list is going to be used immediately. Now, what assurance do we have before we vote on this?

The Chair, Pro tem:

I think you have to pay for the service you've engaged but relative to the subject you're talking about, I've long been bringing out the fact that if we saved all the money we did on testing we could hire police officers.

Michelle Madoff:

You just rephrased it better than I said it.

The Chair, Pro tem:

Time and time again, we seem to be spending so much time testing and I think it would be cheaper to hire them, even on chance, than it is to go through a test that —

Michelle Madoff:

May I suggest that before we vote on these two bills that we have a letter

from the Mayor indicating that the minute this list is ready that he will hire immediately and he will expedite the matter. I went to speak to the Mayor —

The Chair, Pro tem:

I don't want to bypass the issue but I think the bill ought to go through to pay the bill we owe. If we keep doing that they're going to quit dealing with us and it's going to cause an increase in the cost because of the delay in payments.

I would suggest we pass them but not pass the issue.

Michelle Madoff:

I just want to share with this Council my conversation with the Mayor. May I finish? It's an ongoing kind of thing. I think the tests are still going on. And I don't think we pay them in advance; I think it's a drawdown. Isn't it a drawdown? As you do the work you pay for it? It's not a lump sum except in the psychologist testing.

And why is there only one person doing it? M.D. Mazzei? I understand Melanie said that he's the only person who will do it for the money. I'll find you ten other doctors eminently qualified.

I want to tell everybody my conversation with the Mayor. I said, "Mr. Mayor, we have 80 percent failure in psychological tests. If I were the Mayor of this City I would have somebody, my aide who would not be a political guru, but I'd have somebody on a plane immediately going somewhere else to find out why this is happening here. We invited the people into this Council who are giving the test and they said, 'We don't know why they're failing'." The Mayor said, "Well, Michelle, when I was in Council I used to think why didn't the

Mayor do this and why didn't the Mayor do that, but when you're sitting in this seat, and you may very well be sitting there", which is something I wouldn't expect him to say, he said, "you'll see it isn't so easy."

That begged the issue. He still hasn't addressed the problem. That was platitudes, it was very flattering, but it still didn't address the issue of what are we going to do to solve the problem. The gentleman that has contacted my office, this gentleman has been to two psychologists and he was a policeman in the war, he's a qualified policeman, and he flunked. Two psychologists have said that he's qualified. Something is wrong. What are we going to do about it? I don't want to just talk about it. What are we going to do about it?

The Chair, Pro tem:

Michelle, I think those issue ought to be brought up. I'm not trying to sidestep —

Michelle Madoff:

When and how?

The Chair, Pro tem:

I think we ought to call, if you want, a post and see if we can get any information on that.

Michelle Madoff:

We did that. Remember? We did that and we had the people come here and give us the information and say, "We don't know. We give the standard test." Maybe we ought to have two testing companies the next time and see if there's some discrepancy. We've got to do something.

Mr. Givens:

My concern over this, Mr. President, if I might say, is the fact that we have a class of 60 some students, officers, in the Academy right now. Those sixty could be challenged and that class frozen or not let that class, after all the training efforts that we put into it, they might not be able to be sworn in as police officers of the City of Pittsburgh. My concern is that someone is going to appeal this and in doing so it's going to freeze that whole particular class. We've gone into a lot of time and effort and dialogue and yet no one has gotten to the bottom of this.

I would submit to this Council that if everyone on this Council took that psychological test, I don't think any of us would pass it.

The Chair, Pro tem:

Some things are better not said.

Mr. Givens:

Some things are better said because the shoe is on the other foot now. The shoe is on 80 percent of good men and women out there that have been passed over and now have a stigma attached to them while we can't get this information, Mr. President. Why can't we get it? Because it's psychological and that's medical and they're not at liberty to infringe upon the rights of that individual. The rights of that individual have been infringed upon already. We cannot let this happen in this City. There are sixty some people in that class and if I find that there has been a wrong doing and that this test in itself was so stringent that they had to flunk 80 percent of all the people, then I would say hold everything right there, Mr. Mayor, hold everything and go back over and reevaluate our process.

The Chair, Pro tem:

Roll call vote.

Mr. Givens:

I am voting for this bill because at the Wednesday's session it was so indicated that this money here is not for the Psychological Inc. but this is for medical doctors in the hospital itself. I have no problem with that side of the examination. I have no complaints, a few backs, etc., that are very hard to prove, gentlemen and older people, 40-45 years of age. So, for that reason I'll vote for this particular one because it does not include Psychological Testing Inc. If it does, and I've been given misinformation, then I'm going to have somebody's head.

Michelle Madoff:

May I ask a question before I vote, please? Does anybody happen to know, do we give the psychological test first of all?

The Chair, Pro tem:

Michelle, we've been off on a side issue --

Michelle Madoff:

I just want to know which is first, the chicken or the egg. Do we give the test first for psychological and then for the physical? Or do we do the physical first?

The Chair, Pro tem:

I don't know the order.

Michelle Madoff:

I think that's terribly important; it might address what you're saying. If we

give the psychological test and they flunk it, why spend the money on a medical exam? Obviously, we're giving a medical exam and then giving the psychological and then we're ruling them out. So why pay for a dead horse?

Mr. O'Malley:

I think they give the psychological first and then the physical.

Michelle Madoff:

Alright then I'm going to vote aye.

Also,

Bill No. 3625

A Resolution entitled, "Resolution providing for an Agreement or Agreements between the City of Pittsburgh along with the School District of Pgh. or the County of Allegheny or both, and Real Estate Appraisers, Certified Public Accountants and Economists, for professional and consulting services in connection with tax assessment cases, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods

Mrs. Masloff

Mr. Stone
(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3632

A Resolution entitled, "Resolution providing for the issuance of a warrant to Erie Insurance Exchange, care of Scott D. Glassmith, Esquire, in the amount of One Thousand Eight Hundred and Eighty Seven (\$1,887.00) Dollars, for refund of purchase price of vehicle sold in error at Public Auction."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3663

A Resolution entitled, "Resolution authorizing the transfer of Two-Hundred Thousand Dollars (\$200,000.00) from the 1981 CDBG Program Trust Fund, Code Account CDBIS, Project No. 4-15-10-0006-81-15-81-15 to General Funds, City of Pittsburgh, for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program."

Which was read.

Also,

Bill No. 3664

A Resolution entitled, "Resolution providing for authorization and transfer of funds to the General Fund of the City of Pittsburgh for reimbursement of indirect cost for the Community Development Block Grant Program."

Which was read.

Also,

Bill No. 3665

A Resolution entitled, "Resolution authorizing the transfer of One Hundred Three Thousand Seven Hundred Ninety-eight Dollars and Twenty-six Cents (\$103,798.26) from the 1982 CDBG Trust Fund, Code Account CDFD, Project No. 4-27-10-0006-82-15-82-27 to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program."

Which was read.

Also,

Bill No. 3666

A Resolution entitled, "Resolution authorizing the transfer of One Hundred Ninety-Seven Thousand Nine Dollars and Sixteen Cents (\$197,009.16) from the 1983 CDBG Program Trust Fund, Code Account CDCPS, Project No. 4-35-01-0001-83-49-83-35 to the General Fund of the City of Pittsburgh for reimbursement of Salaries, Wages and Fringe Benefits paid to employees in support of the City's Community Development Block Grant Program."

Which was read.

Mr. Givens:

I'd like to have my comments on Bill Nos. 3663, 3664, 3665, and 3666 brought forward from the Wednesday session to be included in the record.

(MR. GIVENS' REMARKS ON BILL NOS. 3663 - 3666 FROM WED. SEPT. 14, 1983)

Mr. Givens:

Just a little discussion. These four bills add up to over six hundred some thousand. Pete, if I might, from your department, is this money so reflected in the 1983 Budget as being refundable? It is going back in from the CD money to the Operating Budget. My point is, is this depicted in our '83 Budget?

Mr. Vaughn:

They were depicted as being reimbursements for the years so noted, '81 through '83. Now we are going to get in '83 Eighty Two's money and in '82 Eighty One's money. We are not getting it until now, so we are getting a bit of a windfall.

Mr. Givens:

The \$197,000 some dollars, that is already in our Budget?

Mr. Vaughn:

Yes.

Mr. Givens:

So that means that we are looking for almost four hundred some thousand dollars. It will be a windfall that will end up as a surplus —

Mr. Vaughn:

That's what we expect to get.

Mr. Givens:

—in the '83 Budget, or conclusion of the '83 Budget. Will that be an accurate estimate?

Mr. Vaughn:

More than what we expected in that lineup.

Mr. Givens:

Is there any way when we have our Budget deliberations, is this fact ever brought out where the City is reimbursed to our Operating Budget? Is there any track record kept in that area? Do we know? I'm sure we do, but like CD money, or any other money, State monies, Federal monies that are to be reimbursed to the City of Pittsburgh for our Operating Budget, do we keep a running track record of that?

Mr. Vaughn:

Each department keeps its own records. I don't think there is one central department that has all the

records, but I'm not sure.

Mr. Givens:

Okay. Mr. President, Eddie Albert also, this is an area where Council, when we come up to discussing surpluses at the end of the year, etc., how do we arrive at these surpluses? This is one particular area where we are receiving almost four hundred some thousand dollars worth of new, fresh money that I don't think if we don't keep a running track record that we can be briefed on this as to what our total accountability is for that particular year, and if this is so on this particular one are there other ones out there, other money, Federal monies, to be returned to us, State monies for work that has been previously done, otherwise we have no way of knowing that we would have a surplus of X amount of dollars coming to us each year, and is there any effort to find this out? In fact, these are '81 and '82. Did it take that long for that particular series of contracts to be completed before we could claim our refund?

Mr. Vaughn:

Do you want to ask the Director?

Mr. Givens:

Could we have the Director down. We've got different groups here, I think. These are Community Development Block Grants that are going into what I would assume are the various departments in the City of Pittsburgh. What do you know about it?

Mr. Young:

This money is going into the City Fund.

Mr. Givens:

I know it is going into the General Fund, but these projects, in the bill I have before me, don't necessarily designate the actual department where it is coming from, like City, Parks and Recreation.

Mr. Young:

It does. That is correct. In the City's Operating Budget there is a revenue line identified in the front section that identifies these dollars. In the back section where the particular department is involved, whether it is Building Inspection, or Fire Department, or City Planning, or Parks and Recreation, there is some designation there.

The City puts up its own tax monies up front to pay those salaries, and what we are doing now is we have gone back through the salary documentation, fringe benefits, and all those other things that are appropriate, and we are reimbursing it back into the City.

Mr. Givens:

No problem with this. Why do you leave— from '81 and '82 did it take two or three years to complete that project that we could not ask for this reimbursement?

Mr. Young:

We started the reimbursement project somewhere back in 1980.

Mr. Givens:

We have always been having reimbursement, I thought.

Mr. Young:

Yes, but what happens is we put in a line up at the beginning of the year, budget year. If we put in too much then that money ends up that it stays in that account, since it is CD money, not like a tax money where it just goes on into—

Mr. Givens:

Okay. To answer my specific question, on the four hundred some thousand that is coming from prior years, '81 and '82, is that so reflected in the '82 Budget as coming in to us?

Mr. Young:

It stays in the Capital Budget until we put it into the Operating Budget or General Fund.

Mr. Givens:

Does it come from Capital, or does this come from other areas?

Mr. Young:

Capital, because that is where all the CD money is reflected, in the Capital Budget, so it will stay in the '81 designated Code Account until such time as we get the documentation, then we will put it through from the Capital account into the City's General Fund. So there is a balance left what we do is we don't just eliminate that money, we go back to the balance that was remaining, then bring it current.

Mr. Givens:

This might be a hard question, but for the year 1983 about how much of this money would be reimburseable back to the City's Operating Budget from previous years? If this four hundred thousand dollars is not in the '83 Budget—

- We should be knowledgeable of any surpluses coming to us, even if it is from prior years. It should be recorded someplace in our Finance Department of the City. I'm talking City Council Finance Department. I'm sure the departments, as Pete indicated, have a line item on this particular thing, and they are waiting to be reimbursed, once I assume, that project is completed and all work is accomplished on it, and worklogs have been maintained, and we get them properly reimbursed for those capital projects which are our community development, and we are using Federal money. But, my concern is, are we keeping track of it so we know what surplus might be being generated during that year's particular time? I know you don't have a magic wand out there.

Mr. Young:

At budget time we get together and Pete says what we have in the way of reimbursement, you look at those numbers and estimate the vest we possibly can based on the money that is budgeted in those salary accounts, what money will become available to the City's General Fund in the following year. It doesn't become available at January 1 of the following year because it takes us some time to calculate up the salaries.

Mr. Givens:

Reggie, on these particular bills I want to know what projects are coming out. There are a lot of projects. It is too involved.

Mr. Young:

The indirect cost, which was put together by an Auditing Consultant.

Mr. Givens:

Is it many projects or just a project? That is my point.

Mr. Young:

It's about three or four projects involved. It is an indicated cost, which is done by an indirect cost allocation plan. That's number one. It is the Building Inspection salaries related to the Block Grant Program that takes up two bills here. One was Building Inspection and one is Fire Department, because they are in the same section, '81 Building Inspection and '82 it was Fire Department, but it is still about three hundred some thousand dollars out of one year's salaries account, about three hundred thousand dollars.

Mr. Givens:

I guess my question would be, and what I am looking for, are we doing this in a timely fashion or are we recouping this money, putting it back--

Mr. Young:

As soon as possible?

Mr. Givens:

Yes.

Mr. Young:

I think we are. The City sends out W2s for the City employees somewhere around January and February, so it took about another two months for our staff to then be able to come up to the Treasurer's Office, Payroll Office, get those W2s, work out the actual salary cost, fringe benefits cost and all the other appropriate costs. I think we were ready to go with this well before summer, we just waited until after

Council's break to bring it in now.

Mr. Givens:

I can see that for '82, but for '81 it seems we are going back.

Mr. Young:

'81, money that was left in the '81 account, and we have gone back as early as possible where there were funds available, cleared out the '81, and we are now into '82 funds.

The Chair:

Excuse me, Mr. Young, is it possible you could give us a copy of all those figures you were mentioning?

Mr. Young:

Sure.

Mr. Givens:

I mean, if we are coming into a surplus of \$400,000, of that—

The Chair:

We understand your concern.

Mr. Givens:

—is not reflected in our '83 budget.

The Chair:

It is going to take some time to get this information and I don't think we have the time this morning.

Mr. O'Malley:

I agree with you. Is there a certain amount of time we have to leave that money lay dormant in that account,

or until you clean up all the book work and find out what is excess?

Mr. Young:

All that was appropriated in '81, all that wasn't used in '82, we went back to '81 account, cleared that out and started in the '82 account.

Mr. O'Malley:

Myself, Mr. Robinson and Mr. Givens, if we needed additional money, funds, none of us would have known these funds were laying dormant there, that is my concern, and Mr. Robinson's concern in the past.

Mr. Young:

They are appropriated by Council as a part of our budgeting process every year.

Mr. O'Malley:

And not spent.

Mr. Young:

And not spent, and they stay in these Code Accounts because they are designated to reimburse these salaries accounts. If you take it out of those accounts you can't reimburse.

Mr. Givens:

Only if we do it in a timely fashion so money, like for '81 Building Inspection, they did their inspection, we know that, and the year '82, that one at least should have been, I would assume, brought up to date in '82. That is my only concern.

The Chair:

Thank you, Mr. Young.

Mr. Givens:

And it is reflected some way in the Budget. We know approximately how much of this goes back into the Operating Budget, thus reducing our operating budget for the coming year, and also reflects what surpluses we are going to have.

(END OF MR. GIVENS' REMARKS)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3715

Report of the Committee on Public Works for September 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3587

A Resolution entitled, "Resolution repealing Res. No. 488, appr. May 18, 1982, eff. May 26, 1982, entitled, 'Providing for a Contract or Contracts for the furnishing, delivery and installation of doors for the rehabilitation of the proposed Second Division Building located at the old Don Allen Building, and other work incidental thereto; and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 3588

A Resolution entitled, "Resolution providing for the taking of property in the 8th Ward of the City of Pittsburgh, owned by Salvadore A. Visconti and Mary E. Visconti, for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto."

Which was read.

Also,

Bill No. 3589

A Resolution entitled, "Resolution amending Res. No. 595, appr. June 26, 1981, eff. July 2, 1981, entitled, "Taking, appropriating and condemning by the City of Pgh. for public road easement purposes, certain property of Mr. William Rauker, situated at the Northwest intersection of Spring Garden Ave. and Vinial St. in the 24th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3590

A Resolution entitled, "Resolution amending Res. No. 1327, appr. Dec. 15, 1982, eff. Dec. 23, 1982, entitled, 'Providing for an Agreement or Agreements with a Consultant or Consultants for Engineering Services in connection with the rehabilitation of a portion of Ft. Pitt Boulevard - Eastbound; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation from by Sixty Thousand (\$60,000.00) Dollars."

Which was read.

Also,

Bill No. 3591

A Resolution entitled, "Resolution further amending Res. No. 1352, appr. Dec. 22, 1982, eff. Dec. 31, 1982, as amended by Res. No. 352, appr. May 18, 1983, eff. May 27, 1983, entitled, 'Providing for an Agreement or Agreements with Pgh. Testing Laboratories for the Inspection of Fabricated Structural Steel in connection with the P.J. McArdle Bridge, Phase II; and providing for the payment of the cost thereof,' by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by Eight Thousand (\$8,000.00) Dollars."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3592

A Resolution entitled, "Resolution amending the Title and Section No. 2 of Res. No. 1023, appr. Sept. 28, 1982, eff. Oct. 14, 1982, entitled, 'Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street, Joseph Hartman, 30 Bly Street certain property in the 26th Ward of the City of Pittsburgh.'"

Which was read.

Michelle Madoff:

On 3592, there's a change. What was the property for originally, the \$33,000? We're giving somebody \$33,000 for property that presently reads amended to read, but what's it for? We're buying some property for what use?

Mr. Givens:

That was an oversight, Michelle.

Michelle Madoff:

Oversight for what?

Mr. Givens:

It was an oversight in how the original bill was --

Michelle Madoff:

But what's if for? What's the money for?

Mr. Givens:

They're buying property to give greater access --

The Chair, Pro tem:

What they did was they didn't have the part of it, providing for all additional cost thereof.

Michelle Madoff:

Is that for the firestation extension of the road or what? What's it for.

The Chair, Pro tem:

I don't know --

Michelle Madoff:

How can we vote \$33,000 when we don't know what we're voting for? What's it for, Mike?

Mr. Perry:

It doesn't state in the bill.

Michelle Madoff:

Can we hold the bill, please? I don't want to vote if I don't know what I'm voting for.

Mr. Givens:

If you had been here Wednesday we had discussion on this bill, Michelle.

Michelle Madoff:

You were gone for a little vacation yourself and I was out sick on Wednesday.

The Chair, Pro tem:

Michelle, this bill did not include the language and if you look in three and four you'll notice the first line is identical. When you come down to the second line, it's identical up to after 30 Bly Street and then there's some language changed which is an additional cost thereof.

Michelle Madoff:

I have no problem with that. I just want to know what it's for.

Mr. Givens:

There was an error due to an oversight in the preparation of the resolution.

The Chair, Pro tem:

It's already passed and all you're doing is adding additional cost.

Michelle Madoff:

For what? I want to know what we passed it for. Before I vote on an addition I want to know what it's for. Does anybody here know what it's for? Could we hold the bill, please, until we know what it's for, before we have an additional sum of \$33,000?

Michelle Madoff moved to recommit Bill No. 3592.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. O'Malley:

The reason I seconded Mrs. Madoff's request is that I think she certainly has the right to know what she's voting on. It's a legitimate request.

Also,

Bill No. 3593

A Resolution entitled, "Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended by Res. No. 174, appr. March 10, 1983, eff. March 24, 1983, as amended by Res. No. 210, appr. March 23, 1983, eff. April 11, 1983, as amended by Res. No. 243, appr. April 8, 1983, eff. April 20, 1983, as amended by Res. No. 320, appr. April 29, 1983, eff. May 6, 1983, as amended by Res. No. 350, appr. May 18, 1983, eff. May 27, 1983, as amended by Res. No. 515, appr. June 29, 1983, eff. July 11, 1983, as amended by Res. No. 669, appr. Aug. 5, 1983, eff. Aug. 15, 1983, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by amending the title of a line item, creating a new line item, redefining the funding sources and adjusting and Summary Totals."

Which was read.

Also,

Bill No. 3594

A Resolution entitled, "Resolution amending Res. No. 290, appr. April 18, 1983, eff. May 3, 1983, entitled, 'Providing for a Contract or Contracts,

or use of existing Contracts, for furnishing, installing, removing and relocating certain electrical equipment necessary for street lighting in the City of Pgh.; and providing for the payment of the cost thereof,' by increasing the total project allocation from by Twenty Thousand (\$20,000.00) Dollars."

Which was read.

Also,

Bill No. 3595

A Resolution entitled, "Resolution amending Res. No. 1226, appr. Nov. 15, 1982, eff. Dec. 3, 1982, entitled, 'Vacating Calvin Street and Garden Way from 44th Street to their easterly termini in the 9th Ward of the City of Pgh. accepting and reserving an easement for the six (6) inch waterline located in Calvin Street."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

Mr. Robinson presented

Bill No. 3716

Report of the Committee on Planning, Housing and Development for September 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmatiave recommendation,

Bill No. 3667

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 4th Ward of the City of Pgh. owned by the Park Corporation and designated in the Deed Registry Office of Allegheny County as Block 11-L, Lot 271, Block 11-R, Lots 5, 6 and part of 4 and Block 11-S, Lot 90 under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3668

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and First Muslim Mosque of Pittsburgh for the sale of Parcels 73, 73A, 73B, and 73C in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31." (RESALE FOR REHABILITATION)

Which was read.

Also,

Bill No. 3669

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Tyrone and Victoria H. Scott for the sale of Parcel 55D in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31." (RESIDENTIAL CONSTRUCTION)

Which was read.

Also,

Bill No. 3670

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Northeast Building & Remodeling, Inc. for the sale of Parcels 70 and 82 in the 3rd Ward of the City of Pgh. in Redevelopment Area No. 31." (RESIDENTIAL CONSTRUCTION)

Which was read.

Also,

Bill No. 3671

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Shelby L. and Karen Wright for the sale of Disposition Parcel 40 in the 13th Ward of the City of Pgh. in Redevelopment Area No. 19." (SIDEYARD)

Which was read.

Also,

Bill No. 3672

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Brett W. Leppo for the sale of Block 23K Lot 246 in the 25th

Ward of the City of Pittsburgh."
(PARKING & SIDEYARD)

Which was read.

Also,

Bill No. 3673

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and Infil Housing Corporation for the sale of Block 45M Lots 60, 63, 64, 65, 66, 67 and 67A, and Block 46E Lot 148 in the 26th Ward of the City of Pittsburgh." (RESIDENTIAL CONSTRUCTION)

Which was read.

Also,

Bill No. 3674

A Resolution entitled, "Resolution approving a Contract for Disposition of Land by and between the URA of Pgh. and James T. Riley for the sale of Block 50G Lot 40A in the 10th Ward of the City of Pgh. as per the Property Management and Maintenance Program." (PMMP SIDEYARD SALE)

Which was read.

Also,

Bill No. 3675

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the URA of Pgh. and various redevelopers for the sale of properties in various wards in the City of Pgh. for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3676

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and the the below-listed redevelopers for the sale of the following properties in the 21st Ward of the City of Pgh. in Redevelopment Area No. 27 (RESALE FOR REHAB)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3717

Report of the Committee on Water for September 14, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3602

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of Seven (7) Gas Chlorinator; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3718

Report of the Committee on Public Safety for September 14, 1983 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3610

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Five - Traffic, Article I - Administration, Chapter 503 - Enforcement and Control, by adding Section 503.21, Use of Speed Timing Devices."

Which was read.

Mr. O'Malley:

This is in reference to the letter that I received from Leo Marchetti who is the President of the Fraternal Order of Police. I'd like to move for a post agenda Wednesday to address Mr. Marchetti's concerns here.

Michelle Madoff:

Mr. O'Malley, I think some of the concerns are very well taken. Are you saying that by having the meeting on Wednesday that we will correct the concerns and therefore go ahead and vote on it and we'll put up the proper signs to alert people?

Mr. O'Malley:

No, their not concerned about the Vascar. That, everybody admits, works and works well. What they're concerned with is some rules and regulations concerning police officer abusing overtime and court costs and everything.

Michelle Madoff:

My understanding is what they're concerned about is when you drive on the highway and you get into certain communities that says this area controlled by radar or radar enforced, and they want that kind of sign saying radar enforced or Vascar enforced whatever the term is going to be, speed

monitored by police, and signs. I think that should be part of the bill.

Mr. O'Malley:

That's no problem because the whole City is going to be monitored.

Michelle Madoff:

I know but --

The Chair, Pro tem:

A sign, Michelle, I think is required by the Commonwealth of Pennsylvania.

Michelle Madoff:

But as Councilman O'Malley just stated, it's the whole City.

Mr. O'Malley:

It's basically for our sidestreets, streets like Murray Avenue in Squirrel Hill, Negley Avenue and West Carson Street.

Michelle Madoff:

Or going up the goat trail on Mount Washington?

Mr. O'Malley:

Wherever. Wherever the police feel they're needed and wherever we get a lot of complaints from the citizens.

Michelle Madoff:

I also would like to know how people are given tickets using this particular piece of equipment before Council votes on it.

Mrs. Masloff:

They said they were not giving tickets.

Michelle Madoff:

I'm telling you they were because they called my office with the tickets.

Mr. Flaherty:

They gave 60 over the weekend right on Shady Avenue. Speeding tickets, not using Vascar.

Michelle Madoff:

Thank you, Councilman Flaherty. And we haven't even voted for it yet.

The Chair, Pro tem:

Mr. O'Malley, may I ask you a question? Relative to the letter which we received from the Grand Lodge Fraternal Order of Police, is it your belief that that is just a matter of clearing up a misunderstanding and there will be no need to amend the bill?

Mr. O'Malley:

Their concerns are not with the equipment. Everybody agrees that the equipment is the best equipment that we could purchase. Their concerns are with the abuse of overtime and court time. Since this involves points on a driver's license, many people appeal which gives the officers a great deal of court time.

The Chair, Pro tem:

An added burden on the police officer's time?

Mr. O'Malley:

Not so much that but on the

taxpayers too and what we have to spend on our courts, on our judges, on our attorneys, on the police officers spending time in court. I think it's just the administration of Vascar that they're concerned with, not the equipment itself.

The Chair, Pro tem:

Let me just get my point, if I may. If it looks as though there may be an amendment to the bill, you might be better to recommit to get it picked up. If you're intending no amendments then let it pass.

Mr. O'Malley:

No, there's not going to be any amendments. It's the administration that they're worried about, not the use of the equipment.

Michelle Madoff:

Excuse me, I was asked to hold the bill. Pat McNamara asked me if I would, because of the shooting, he didn't get a chance to talk to you, Jim. Because of the death of a police officer they didn't get a chance to read this statement and they would like a week to look at it. I am asking on behalf of Pat McNamara and the F.O.P. that we hold it one week.

Mr. O'Malley:

He didn't ask me to hold it one week.

Michelle Madoff:

He asked me and asked me to ask you.

Mr. O'Malley:

He was in my office before and he

Michelle Madoff:

He just asked me so I'm just telling you.

Mr. Flaherty:

I have a question for Councilman O'Malley. Is there any urgency that we enact the system today?

Mr. O'Malley:

I don't think the urgency, whether it's today or it's next week — It took me a year and a half to get the equipment in the City in the first place. It was my request that the equipment was ordered and the reason is, I guess because I'm Chairman of Public Safety, we've got many, many requests from concerned citizens, Tom, about speeding on our sidestreets, even on the South Side where we have children playing, down in Hazelwood where we have a senior citizen high-rise the senior citizens cannot cross the street as quickly as younger people. The reason I ordered this is because of the request by the citizens.

Mr. Flaherty:

Well, it seems that if you have been working on it for a year and a half that perhaps another week could be allotted because the fear I have that if we enact this bill today, I don't think that we are exploring the realms of what a good law should be and I think that that is to have the balancing of what society's interests are.

As you brought up and what I want to expound upon, it just isn't the possible abuse of the police officers going to court more often but it is a quantitative increase of bringing citizens into court, actually forcing them into the position where they would have to appeal since

their insurance rates would be increased, since they would risk the possibility of having points added to their driving record, and I think there is certainly a concern for safety for our children, for our elderly, for everyone, but I think that has to be balanced with the system that is going to have safeguards in it. I think one of those safeguards are, and I think it's an essential safeguard, to have a notification sign or to have a warning to a person that that area is going to be monitored with a speed-timing device. I think that would probably greatly reduce the number of court cases and the number of people that would have to pay higher insurance rates or suffer the possibility of having points.

I don't agree with you, Councilman O'Malley, in that the issue is strictly as to the efficiency of the Vascar system. I think it's crucial that this Council, we have the opportunity to have a say in the implementation of the program and I think to protect all interests of the City of Pittsburgh we should heed that challenge and not leave that completely to the Administration because we don't have any guarantee that if we pass this today, the Administration may view this measure strictly as a revenue enhancing measure and they may not have the regard for the other side of the coin that we may have.

So, I would support what Michelle Madoff has said and what I think Councilman Stone has alluded to, that if we could hold it for a week and have a post agenda I think we would be in a safer position to act on the measure next week.

Mr. O'Malley:

I'm going to make a motion here but I think it was a brilliant defense of lawbreakers, Mr. Flaherty. I know you're concerned with the people —

Michelle Madoff:

I think that's unfair, Jim.

Mr. O'Malley:

Let me finish, Michelle. I know he's concerned with people that are getting points on their drivers license and that's fine. But they wouldn't be getting the points unless they were speeding in the first place. I'm more concerned with the safety of the kids that might run out into the streets than I am with the speeders. If a person is speeding, then entire City of Pittsburgh is posted with signs that say 25 mile per hour, 35 mile per hour.

As for enhancing the City coffers with revenue, I doubt that very much. First of all, for the City to enhance its coffers, the people would have to break the law and they would have to be caught and they would have to be given the opportunity to appeal it in court.

As far as the concerns that you have and Michelle Madoff has, I have no problems holding the bill for a week. We're going to have a demonstration of Vascar at 4:00 over at the Stadium and I'm inviting all my colleagues to come over and to view its work first hand and I'm inviting certainly the Press to come over.

I'd like to set a post agenda Wednesday for Leo and Pat McNamara and Superintendent Coll to come in and let Pat and Leo voice their concerns, and some of them are legitimate concerns, about the abuse of the system, and Superintendent Coll can have his say and then with all the facts known I'm sure that this Council, in its wisdom, will vote the proper way.

Mr. O'Malley moved to recommit Bill No. 3610.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Flaherty presented

Bill No. 3719

Report of the Committee on Lands and Buildings for September 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3577

A Resolution entitled, "Resolution amending Res. No. 522 app. May 21, 1981, eff. May 29, 1981, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts in connection with Public Property Sidewalks and providing for the payment of the cost thereof,' by reducing the authorized amount from \$135,000.00 to \$100,000.00."

Which was read.

Also,

Bill No. 3578

A Resolution entitled, "Resolution amending Res. No. 643, eff. 7/13/81, entitled: 'Resolution providing for a Cooperation Agreement or Agreements with the Stadium Authority of the City of Pgh. for the removal of architectural barriers at Three Rivers Stadium to improve physical accessibility for the elderly and physically handicapped, and providing for the payment of the cost thereof,' by reducing the project cost from \$120,000.00 to \$105,270.20."

Which was read.

Also,

Bill No. 3579

A Resolution entitled, "Resolution amending Res. No. 367, eff. April 30, 1982, as amended by Res. No. 1046, eff. Oct. 19, 1982, entitled: 'Amending Res. No. 367, eff. April 30, 1982, entitled: 'Resolution providing for a Contract or Contracts in connection with site improvements at the 13th Ward War Memorial at the intersection of Frankstown Avenue and Bennett Street, and providing for the payment of the cost thereof', by providing for advertisement for proposals by the Director of the Dept. of Supplies and the use of existing Contracts' by reducing the project cost from \$5,000.00 to \$3,459.30."

Which was read.

Also,

Bill No. 3580

A Resolution entitled, "Resolution amending Res. No. 558, eff. 7/15/83, which presently reads: 'Authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein'; by correcting Block and Lot Numbers."

Which was read.

Also,

Bill No. 3581

A Resolution entitled, "Resolution providing for an Agreement or

Agreements for Architectural/Engineering Services in connection with the relocation of the Dept. of Water, Service Line Operation Section and Meter Shop; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3635

A Resolution entitled, "Resolution further amending Res. No. 903 of 1976 as amended by Res. No. 344 appr. April 21, 1980 and eff. April 25, 1980, entitled: 'Resolution authorizing the Mayor and the Director of the Dept. of Lands and Buildings to enter into an Amendatory Cooperation Agreement with the URA of Pgh. to act as Acquisition and Relocation Agent for the City of Pgh. in connection with the purchase of real property for a new fire station on Chestnut Street — Capital Project No. 76-01, No. 42/51 Fire Station, Chestnut Street, Dept. of Lands and Buildings, and providing for the payment of the costs thereof,' by providing for a Second Amendatory Cooperation Agreement."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods

Mrs. Masloff

Mr. Stone
(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods moved to excuse Mr. DePasquale for absence from the meeting.

Mr. Givens seconded the motion.

Which motion prevailed.

Mr. Robinson moved to approve the minutes of Monday, September 12, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of Mr. Woods

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, September 26, 1983

No. 37

Municipal Record

ONE-HUNDRED

TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Assf. City Clerk

Pittsburgh, PA

Monday, September 26, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Michelle Madoff:

Would Helen Schlenke and her husband Bill, please step forward?

This is a personal pleasure. I know

Helen and Bill very well; I've known them for a long time before I even got into the political arena. If anything, I think they gave me a hatpin in the proverbial to get me moving in the right direction.

They say that behind every great man there's a woman. Well, this seems to be a good team. Helen and her husband Bill met at the Bellefield Area Citizens' Association. So, if people get out and work in the community, you never know what good things are going to happen.

I have a resolution here as the "Woman of the Month".

Michelle Madoff presents

Bill No. 3763 WHEREAS, the role of women needs to be expanded in society; and

WHEREAS, the accomplishments and achievements, both professionally and personally, of women in our society have largely been underrated; and

WHEREAS, Helen Schlenke, as President of the Bellefield Area Citizens' Association and as President of the Dithridge House Condominium, and as a past officer of the Shadyside Action Coalition, has worked long and hard toward achieving her goal of a balanced community; and

WHEREAS, Mrs. Schlenke who chose to retire in Oakland after serving more than thirty (30) years as an official in the United States Labor Department

and whose parents and grandparents were lifetime members of the Oakland community; and

WHEREAS, Mrs. Schlenke graduated from the University of Pittsburgh as a Political Science Major and was named a distinguished alumna of that University; and

WHEREAS, Mrs. Schlenke, in pursuit of her goal of a balanced Oakland, was active in the "Fantastic Plastic Fight", has continued fighting the concentration of bars and fraternity houses, has worked in favor of the group home concept and has tried to see that they are well-run so that they serve the needs of the residents as well as the community, and who has struggled to improve the lot of elderly citizens.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh, hereby recognize Mrs. Helen Schlenke as "Woman of the Month" because of her lifelong dedication to the resurgence of the City of Pittsburgh as well as the Bellefield community.

Michelle Madoff moved to adopt the resolution.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Michelle Madoff:

We all know Helen and I think she deserves a big round of applause.

I'd like to add one more whereas which reads: WHEREAS, Helen Schlenke has been at all hearings making sure that Council knows what's going on.

There seems to be an issue as to

the Mayor's Women's whatever. It has sort of been a secret society. The reporters were sort of curious as to what has been going on. We have been gracious in our office and have invited Mary Hall and others to be here at the presentation and to join with us and the other very esteemed people that we have given honors to as well as Helen Schlenke. I think we should do this, our efforts together, on behalf of women. There's no point in having discontent between the two but with a \$50,000 budget I'd like to see some meaningful things coming out of the Women's Center that the Mayor's having and I would hope that Helen would set that as one of her priorities.

Mrs. Schlenke:

Very briefly, I'd like to thank the members of Council very much for this award. I must say, I don't think it's as much in recognition of me as of the recognition of the needs of City to which I am fully dedicated.

Thank you.

The Chair:

Congratulations, Helen.

Mr. Flaherty presented

No. 3722 Communication from Daryl H. Smith, Director, Department of Lands and Buildings, requesting authorization for Raymond D. Fischer to attend a two day seminar in Dayton, Ohio, on October 6-7, 1983, at a cost not to exceed \$775.00, payable from Code Account No. 1361, Misc. Services, Department of Lands and Buildings.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3723 Resolution providing for the issuance of a warrant in favor of Casey Company in the amount of \$16,000.00 in payment for Extra Work, being in addition to the original contract price of \$2,085,335.00 on Controller's Contract No. 26111, furnished for the benefit of the City in connection with the Reconstruction of the P.J. McArdle Roadway and Bridge - Phase II, without previous authority of law; and providing for the payment thereof. Funds are available in Code Account PW 80-14, 4-01-05-0408-80. Prior approval by Council Bill No. 3597, dated September 14, 1983.

Also,

No. 3724 Resolution providing for the issuance of a warrant in favor of Dick Corporation in the amount of \$664.00 in payment for Extra Work, being in addition to the original contract price of \$2,484,000.00, on Controller's Contract No. 24764, furnished for the benefit of the City in connection with the City of Pittsburgh's Asphalt Plant and other work incidental thereto, without previous authority of law; and providing for the payment thereof. Funds are available in Code Account PW 81-33, 4-01-30-0950-81. Prior approval by Council Bill No. 3598, dated, September 14, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 3725 Resolution taking, appropriating and condemning certain property of David Minnotte and Minnotte Corporation, situated in the 20th Ward, City of Pittsburgh and providing for the payment of the cost not to exceed \$5,000.00, payable from Code Account No. PW-81-39. Sewer Easement for Saw Mill Run Sewer, Phase II.

Also,

No. 3726 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Richardson Associates for Professional Engineering Services in connection with the Route 51 Rockslide, at a cost not to exceed \$4,742.50, payable from Code Account No. PW 82-28, Saw Mill Run Rock Slide.

Also,

No. 3727 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for Lawrence Staab and James Lenkner to attend the 1983 Video Expo Exhibit in New York City on September 28, 1983, at a cost not to exceed \$500.00, payable from Code Account No. 1661, Misc. Services, Supplies, Repairs, Materials and Equipment. Prior approval granted by Council on September 13, 1983.

Also,

No. 3728 Communication from James N. Walker, Director, Department of Environmental Services, requesting authorization for an emergency trip for Euzell Hairston and Oliver Banner to pick up mailing cards for the new refuse changes in Muncy, PA, on August 26, 1983, at a cost not to exceed \$100.00, payable from Code Account No. 1161, Department of Environmental Services. Use of City vehicle is also requested.

Also,

No. 3729 . Petition from the residents of the City of Pittsburgh, requesting a public hearing on the need for a pedestrian phase (a button on the post to stop traffic) for the traffic signal at the corner of Fifth Avenue and Craig Street.

Also,

No. 3730 Petition from the residents of Clayton Avenue, 25th Ward of the City of Pittsburgh, requesting a public hearing concerning the repaving and curb repair of Clayton Avenue.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3731 Resolution amending Resolution No. 1385, approved December 30, 1982, as amended by Resolution No. 389, approved May 23, 1983, adopting and approving the 1983 CB and the 1983 CDBGp and approving 1983 thru 1989 CIP, decreasing line item WD-83-09 and creating new line item WD-83-23, Department of Water.

Also,

No. 3732 Resolution providing for a contract or contracts for Repair of the Cover at McNaugher Reservoir, at a cost not to exceed \$20,000.00, chargeable to and payable from the 1983 Capital Budget Account No. WD-83-23 (4-05-02-0991-83), Department of Water.

Also,

No. 3733 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval for payment of \$1,297.82, for repair of a Total Organic Carbon Analyser, payable from Code Account No. 1705, Repairs.

Which were severally read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3734 Resolution transferring the sum of \$45,000.00 from Code

Account No. 1443, Salaries and Wages, Regular and Temporary Employees, to Code Account No. 1443-6, In-Grade Pay, Department of Police.

Which was read and referred to the Committee on Finance.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 3735 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing from "R3" Multiple-Family Residence District to "C3" Commercial District all that certain property having frontage on the westerly side of Brownsville Road between Alice Street and McKinley Avenue, 30th Ward.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 3736 Resolution amending Section 11 of Resolution No. 1228,

effective December 31, 1979, as previously amended, so as to decrease line item PW-80-23 "Improvement to Chestnut Street Intersection" from \$480,000.00 to \$428,678.98; and further to increase line item PW-80-30 "Steuben Street Sidewalk" from \$120,000.00 to \$171,321.02.

Which was read and referred to the Committee on Public Works.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 3737 Resolution providing for Issuance of Certificate of Appropriateness for work on the exterior of the commercial structure at 1018 W. North Avenue, Block and Lot 022-S-031 in the Manchester Historic District in the 21st Ward.

Also,

No. 3738 Resolution providing for Issuance of Certificate of Appropriateness for work on exterior of various residential structures in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3739 Resolution providing for a Cooperation Agreement with Urban Redevelopment Authority of Pittsburgh for the transfer of \$7,000.00 to Urban Redevelopment Authority of Pittsburgh from the City's Upper Strip District

Technical Assistance Trust Fund.

Also,

No. 3740 Resolution providing for the execution of a grant contract with the Pennsylvania Department of Community Affairs for a grant in connection with the Enterprise Development Area Program and for the filing of requisitions and other data, approving the Enterprise Development Area Program, providing for required assurances, for the execution of payment vouchers on Letter of Credit, for certification of authorized signatures and for the deposit of funds in an Enterprise Development Area Program Trust Account.

Also,

No. 3741 Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Enterprise Development Areas Program, and providing for the payment of the cost not to exceed \$250,000.00, payable from Code Account Enterprise Development Area Program Trust Account (EDAP).

Also,

No. 3742 Resolution amending Resolution No. 425, effective June 10, 1983, entitled, "Providing for an Agreement(s) with the Oakland Planning and Development Corporation, Inc., for the City's share of funding for the continued involvement and execution of revitalization programs and projects in the Oakland Community", so as to increase the funding from \$60,000.00 to \$90,000.00.

Also,

No. 3743 Resolution providing for

an Agreement(s) with the Community Human Services of Oakland, for the City's share of funding for the continued training and placement of CETA participants in unsubsidized employment situations. Cost not to exceed \$26,500.00, payable from 1983 CDBG, "Emergency Jobs Bill Program", ULO Project No. 4-40-05-0002-83-810-83-35.

Also,

No. 3744 Resolution providing for an Agreement or Agreements with the Esplan Citizens Council for the continued operation of the Esplan Senior Citizens Center, at a cost not to exceed \$20,000.00, payable from the 1983 CDBG "Emergency Jobs Bill Program", ULO, Project No. 4-40-05-0002-83-811-83-35.

Also,

No. 3745 Resolution providing for an Agreement or Agreements with El Darado for assistance of their Senior Citizens Program for an amount not to exceed \$25,000.00.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone presented

No. 3746 Resolution providing for an Agreement(s) with Youth City of Pittsburgh, Inc., for services relative to providing a Thanksgiving Dinner for

needy people, and transferring the sum of \$1,500.00 from Code Account No. 10, Accounts Payable, Prior Years, to Code Account No. 1838, Misc. Services, Department of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3747 Resolution providing for the issuance of a warrant in favor of Moore Business Forms, Inc., P.O. Box 7777-W5220, Philadelphia, PA 19175, in the amount of \$518.18 in payment for preliminary work (sample proofs) of the City and School District of Pittsburgh Combined Return for Business Tax - Form-BT-I Self-Mailer Booklet furnished for the benefit of the City in connection with the collection of taxes; payable from Code Account No. 1063, Misc. Services, Department of Finance. Prior approval by Council Bill No. 3626, dated September 17, 1983.

Also,

No. 3748 Resolution transferring \$28,750.00 from Code Account No. 1063, Misc. Services, Department of Finance to Code Account No. 1066, Equipment, Department of Finance.

Also,

No. 3749 Resolution providing for an agreement with William Mercer, Inc.

for actuarial services in connection with the Municipal Pension Fund, the Policemen's Relief and Pension Fund and the Firemen's Relief and Pension Fund, and providing for the payment of the cost not to exceed \$12,200.00, payable from Code Account No. 55 Policemen's Relief and Pension Fund in the amount of \$3,300.00, C.A. No. 56 in the amount of \$2,700.00, Firemen's Relief and Pension Fund, and \$6,200.00, from C.A. No. 58, Municipal Pension Fund.

Also,

No. 3750 Resolution providing for an agreement or agreements with William Mercer, Inc., to conduct a comprehensive review of the design and administration of the medical benefit package; and providing for the payment of the cost not to exceed \$19,500.00, payable from Code Account No. 1063, Misc. Services, Department of Finance.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3751 Resolution providing for a contract or contracts for the furnishing, delivery, and installation of various office equipment and furniture in connection with the establishment of a new Accounts Receivable Office for the collection of delinquent tax accounts, and the remodeling of the Delinquent Tax Liens Office, Department of Finance; and providing for the payment of the cost not to exceed \$47,250.00, payable from Code Account No. 1066, Equipment and Code Account No. 1088, Misc. Services, Supplies, Equipment, etc.

Also,

No. 3752 Resolution providing for a contract or contracts for renovations in the Department of Law and providing

for the payment of the cost not to exceed \$17,500.00, payable from Code Account No. 1075, Misc. Services, Law Department.

Which were read and referred to the Committee on Supplies.

Also,

No. 3753 Communication from Edward A. Walkowski, Manager, City Information Systems, requesting authorization for John O'Carroll and Joseph Hilgert to attend the Honeywell Large Systems User Association Forum in San Diego, CA from October 16-19, 1983, and also requesting authorization for Joseph Hilgert to attend the Honeywell Large Systems User Association Continuing Education Program Course DPS6/MOD400 - Introduction in San Diego, CA, October 20-21, 1983, at a total cost not to exceed \$3,200.00, payable from C.A. No. 1043.

Also,

No. 3754 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to participate on a board panel of the American Society for Public Administration Regional meeting in Harrisburg, PA on October 5 and 6, 1983, at a cost not to exceed \$400.00, payable from C.A. 1017, Misc. Services, Office of the Mayor.

Also,

No. 3755 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for David M. Matter to attend the 1983 Fall Meeting of the Urban Land Institute in Miami, Florida, October 26-30, 1983, at a cost not to exceed \$1,475.00, payable from C.A. No. 1017, Misc. Services, Office of the Mayor.

Also,

No. 3756 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of August 31, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3757 Communication from George W. Jacoby, Director, Department of Supplies, requesting authorization for Gil Martinez and Gil Lancia to attend a seminar in Dayton, Ohio, October 12-13, 1983, at a cost not to exceed \$1,700.00, payable from Code Account No. 1142, Misc. Services.

Which was read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3758

Report of the Committee on Finance for September 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3618

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Joseph S. Hornack, Esq. in the amount of \$10,467.50 in payment for legal services in connection with Smaller

Manufacturers Council, et al v. The Council of the City of Pittsburgh, et al; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3636

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Houston-Starr Company in the amount of \$191.00, \$3,990.64 and \$2,688.00, totalling in the aggregate \$6,869.64 in payment for materials furnished for the benefit of the City in connection with renovations of various public buildings, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3637

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Three Rivers Trane Company in the amount of \$412.56 for materials purchased in connection with work at the North Side Public Safety Building to the Centrifugal Chillers; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3655

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sargent Electric Company, P.O. Box 29, Pittsburgh, PA 15230, in the amount of \$406.90 in payment for installation of utility pole in South Atlantic Avenue in connection with the In-Line Pump Station Installation in

South Pacific Avenue and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3656

A Resolution entitled, "Resolution transferring \$200,000.00 from Code Account No. 1703, Utilities to Code Account No. 1702, Municipal Obligation for Non-City Water Agencies and Code Account 1709, Refunds."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3759

Report of the Committee on Public Works for September 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3596

A Resolution entitled, "Resolution vacating Frost Way from Hillsboro Street to its Northerly terminus (162.03'+), in the 20th Ward of the City of Pittsburgh."

Which was read.

Mr. Givens:

Mr. President, I have received, and I assume the rest of the Council received, some communications from Lawrence and Lawrence, Attorney at Law, in reference to Bill 3596 where they're asking the Council here to foresee the cost of \$2,375.00 on that Frost Way and that they're going to build

a high-rise apartment there for the elderly and the handicapped.

The reason I'd like to put this back in Committee is for this purpose. This request did come in, it came in during this past week, not in time for us to discuss it or anything and that the people up there within the 20th Ward are somewhat confused as to what is really going to happen. If you can recall, that property belonged to the Elks. The bill that's before us indicates that it's the Elks property but apparently the Elks are going to convey it to Goodwill Plaza Inc. for a high-rise.

Mike, as we recommit this bill and if I might, we need some guidance from the City Planning Department as to whether or not this requires a public hearing or not. I don't know if there's going to be additional legislation coming in to us, if we're receiving this piecemeal or what. But it's a commercial zone up there and this will be going to institutional use.

Mr. Givens moved to recommit Bill 3596.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

Bill No. 3648

A Resolution entitled, "Resolution amending Res. No. 624, appr. July 19, 1983, eff. August 1, 1983, entitled, 'Providing for a Contract or Contracts for the Grading, Paving and Curbing of the Larimer Avenue Extension, from Larimer Avenue to Larimer Place, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof,' by increasing the total project allocation by Eighty Four Thousand (\$84,000.00) Dollars."

Which was read.

Also,

Bill No. 3649

A Resolution entitled, "Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled, 'Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program,' by creating new line items and adjusting the Summary Totals."

Which was read.

Also,

Bill No. 3650

A Resolution entitled, "Resolution further amending Res. No. 1261, appr. Dec. 3, 1981, eff. Dec. 11, 1981, as amended, entitled, 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with Parsons, Brinckerhoff, Quade and Douglas, for Engineering Services in connection with Street Lighting Design; and providing for the payment of the cost thereof,' by increasing the total project allocation by Twenty Two Thousand (\$22,000.00) Dollars."

Which was read.

Also,

Bill No. 3651

A Resolution entitled, "Resolution providing for the repeal of Resolution No. 531, effective June 20, 1983, entitled Darragh Street and Terrace Street widening in the 4th Ward, City of

Pittsburgh."

Which was read.

Also,

Bill No. 3652

A Resolution entitled, "Resolution accepting the dedication of property of Presbyterian University Hospital on Terrace Street in the 4th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3653

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Green International for Engineering Services in connection with the Inspection of Pin Connections on the remaining portions of Ft. Pitt Boulevard - Eastbound, from Bent 5 to Bent 31 and Bent 43 to Bent 51; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3592

A Resolution entitled, "Resolution amending the Title and Section No. 2 of Res. No. 1023, appr. Sept. 28, 1982, eff. Oct. 14, 1982, entitled, 'Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street, Joseph Hartman, 30 Bly Street certain property in the 26th Ward of the City of Pittsburgh.'"

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 3760

Report of the Committee on Water for September 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3657

A Resolution entitled, "Resolution authorizing an Agreement or Agreements with Chartiers Valley Industrial and Commercial Development Authority and Gallery Center Associates, providing for the relocation of an existing right-of-way and water line in the 7th Ward of the City of Pittsburgh, at no cost or expense to the City."

Which was read.

Also,

Bill No. 3658

A Resolution entitled, "Resolution providing for a Contract or Contracts for the use of existing Contracts, for Rehabilitation of Boilers at Mission Street Pumping Station and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3659

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase and Installation of a Power Factor Capacitor at Ross Pumping Station and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 3761

Report of the Committee on Public Safety for September 21, 1983 transmitting two resolutions and one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3661

A Resolution entitled, "Resolution amending Res. No. 357, app. May 18, 1983, and eff. May 27, 1983, entitled, 'Resolution providing for an Agreement or Agreements with instructors for professional services in connection with the training of police recruits, and providing for the payment of the cost thereof', by substituting a different instructor for one of the instructors identified in Resolution No. 357."

Which was read.

Michelle Madoff:

I have a question on Bill No. 3661. They switched the instructors. Do we need a bill for switching the instructors or are you upgrading the salary.

Mr. O'Malley:

They increased the dollar amount.

Michelle Madoff:

Why? What's this person doing that's so different than what the other person was doing?

Mr. O'Malley:

It's for legal fees.

Michelle Madoff:

Why?

Mr. O'Malley:

It just took them additional hours.

Michelle Madoff:

I'm sorry, that's not an answer.

Mr. DePasquale, on Bill 3661, we're voting to increase the item by \$5,520 because we're changing a teacher. I want to know why that teacher is worth \$5,000 more.

Mr. O'Malley:

Do you want to hold it, Michelle?

Michelle Madoff:

Would you please? Motion to hold for one week and while you're at it, would you please find out, according to Superintendent Coll, I asked him when we were going to have out 80 police officers and he said that we're going to have 60 this year. Does 60 mean we're going to have them in December of '83? I want to know when those police officers are out working, when are they coming out, or are we going to have another surplus in the kitty?

Mr. Stone:

Are you talking about Bill 3661?

Michelle Madoff:

Yes.

Mr. Stone:

The amount is not changing; it's different individuals.

Michelle Madoff:

Is that correct?

Mr. O'Malley:

The \$5,520 stays the same; they're just --

Mr. Stone:

-- Changing the name of the parties.

Michelle Madoff:

According to Mr. O'Malley, he said there was an increase.

Mr. Stone:

He's talking about another bill. He's talking about 3707.

Michelle Madoff:

So what we're doing is voting to change a teacher. They have to come to us to vote to change a teacher?

Mr. Stone:

Yes because they were the designated beneficiary.

Michelle Madoff:

I see.

In answer to my other question, will we have the class by the 31st? Does anybody know?

The Chair:

If it says so we'll have it, I guess.

Michelle Madoff:

I've heard that before. Where's

your lawsuit, Mr. Woods? You said that if we didn't have 40 new police by the end of the year you were going to take a lawsuit. He lost 50 so you've got ten less than what you started with.

Mr. Woods:

He's a buddy of mine.

Michelle Madoff:

Now for the first time you've told it like it is. You never sue your friends who get you elected.

Meanwhile the City is still short 105 police and we don't have any of the new police officers on. I don't think that's a joke, believe me.

Also,

Bill No. 3610

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Five - Traffic, Article I - Administration, Chapter 503 - Enforcement and Control, by adding Section 503.21, Use of Speed Timing Devices."

Which was read.

Mr. Stone:

Mr. President, on Bill No. 3610, there's an amendment here which seems different from what I thought I heard on Wednesday. Where we restricting this to ten streets?

Mr. Woods:

No. At least ten.

Mr. O'Malley:

No, what it says here is that the

Superintendent, at his own discretion, will pick out ten streets in the City of Pittsburgh and post signs on those ten streets that Vascar is being used.

Michelle Madoff:

It says that. It shall be posted with warning signs on the ten major streets.

Mr. O'Malley:

We'll be using Vascar all over the City of Pittsburgh.

Mr. Stone:

That's not the point I'm making. Is that just to say that in this City we're doing Vascar or we're going Vascar speeding devices on those particular streets?

Mr. Flaherty:

Any speed-timing device, including Vascar.

Mr. Stone:

I'm not coming through apparently. What I'm saying is, what's the reason for the signs? I got the impression that on the street that you're using it on was when you needed a notice. I'm getting the impression that we're saying on ten streets so I don't know whether it means for those ten only or are we saying that sufficient notice to the whole City is that you put it on ten major streets.

Mr. Flaherty:

I think we are saying that sufficient notice to the entire City will be if we concentrate on ten major streets because Superintendent Coll said that there is only going to be six officers that are going to be qualified to use the

system and he also said, and it seems perfect common sense to me, that they are only going to utilize the system on the streets that have the greatest preponderance of speeders. I don't think, for example, they are going to be going into side streets or in the small alleys and utilizing a police officer there when they could be having an officer, for example, on Shady Avenue or Marshall Avenue.

Mr. Stone:

Councilman, let's exclude the back alley street. There's more than ten major streets in this City so if we go beyond that, do we want a sign on that street?

Mr. Flaherty:

I don't believe that I stated it at the Committee Meeting but I offered the amendment in the spirit of compromise to the effect that that Superintendent of Police was putting forth the argument that it would be extremely expensive to put warning signs throughout all areas of the City. I thought that if the warning signs were posted just on those major thoroughways that that would be a compromise in that —

Mr. Stone:

That would be sufficient notice to the whole City?

Mr. Flaherty:

Yes. In my mind it is.

The Chair:

Mr. Flaherty, may I interrupt you for one second? Am I to understand they're going to put them on ten streets but it's going to be for the whole City?

Mr. Flaherty:

Yes. You see, I was under the impression from the Superintendent that there is only going to be a small number of thoroughways that will be consistently monitored. Granted, there may be certain areas that we may receive a lot of constituent complaints and perhaps there may be a temporary problem where they will go and attempt to monitor —

The Chair:

I don't know the name of the street but they've already tried and I understand it worked rather well because some people on East Street or up around there wanted it done and were told that they were trying in this other area, I forget where, and if it succeeded there they would move it out to around East Street.

You're saying about the ten streets, I can understand what you're saying, it will be done City-wide, but —

Mr. Stone:

No, the problem may be in the language. It can be read that only ten streets, which the Superintendent will pick out, are the ones that you can put this on and it says that if you use those ten that you now have to have a warning sign.

It was my impression that we wanted some kind of warning but it could go to any street where it was necessary. I'd be inclined to say that maybe we ought to take the word "ten", take that out and say "major streets decided by the Superintendent of Police, his discretion monitored by speed-timing devices shall, after notice to the City Clerk, be posted with warning signs." We would know which ones he's chosen rather than it be a secret and then at

that time those streets that he's on --

The Chair:

If I may, is it a must that they have to warn people?

Mr. Stone:

That's the question right there.

The Chair:

I'm just thinking, you know, once in a while you come around a corner and there's a cop on a motorcycle or in a car and there's no sign saying, "Beware, around the corner there's a cop".

Michelle Madoff:

You shouldn't have been speeding.

Mr. Woods:

Mr. President, if I may. It was my impression last Wednesday that we asked Superintendent Coll that he would at least put signs on ten major streets. At least. It could be thirty signs in one year, if he eventually does it. But within a six month period that we at least have ten streets posted. Within a six month period.

Mr. Flaherty:

Well, if you want to insert the language, at least -- You see, the only problem that I have is if you don't have a number there that is a trigger mechanism, if you just have major streets decided by the Superintendent of Police, what is to prevent the Superintendent of Police from coming back and saying that there aren't any major streets. I think you have to have a number that would trigger the section.

Mr. Woods:

I move to make an amendment in Section 2 that it's at least ten major streets in the City of Pittsburgh.

Mr. Stone:

Before you do that, you're going to have to add at the end, "within six months which shall be notice to the City at large or as a whole". You're saying that that's the minimum requirement for notice to the entire City.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Michelle Madoff:

I just wanted to remind everybody at this table that Mr. Stone pointed out that he thought that the Pennsylvania Code included making it mandatory to have signs and that after checking the Pennsylvania Code many of us found that that indeed was not so. The issue of having major streets, the word major may be a misnomer because what is happening according to Superintendent Coll is that in the streets where they don't have them long enough to take monitorings by visual or by any other mechanism and that Vascar is one of the tools to solve one of the speeding problems. Everybody in the City knows you're not supposed to speed. If we had enough police officers, if we had enough cars out of the garages, we'd probably have more enforcement of violations of speeding.

But there are at least ten, Ben, as you pointed out, areas that are really afflicted by the fact that we can't have a police officer round the clock all the time. And to say that by putting up at least ten major street signs is going to be warning to the City is ridiculous. We've

already warned the City because the newspapers have come out and said that we're going to have Vascar in the City; we're going to start enforcing our violations of speeders. The people who live in these communities have been getting away with murder for a long time and in some cases may even be murder. The fact that they are going to be having a special sign which is only just a little extra to the bill that we don't really have to do and this is something we agreed upon in Council so let's not delay this any further. Let's just get on with it.

Mr. Givens:

I have one of those technical areas that I'm quite familiar with and I was concerned Wednesday when we had out post agenda that the right for having Vascar within the City was debated very heavily. There's been some test trials that have been done within the City and I had found out that the Police Department had gone out and painted the stripes on the roadways which was generally something that the Department of Public Works is responsible for doing.

In further checking into this, I found out, and Mike, I think we need a letter to the Superintendent of Police on this, as to what measuring devices he is going to be using in order to mark out the various lengths that they'll have this Vascar. Otherwise, you know, you don't have to have the same lengths on each particular area. In order to do this, in order for this to be valid within the state of Pennsylvania, there's only one place that they can go to and that is the Bureau of Weights and Measures in the state of Pennsylvania.

Mr. Woods:

I hate to correct you, Councilman Givens, but —

Mr. Givens:

The Bureau of Weights and Measures in the state of Pennsylvania is the only authorized agency. If they can delegate this down to maybe the County Weights and Measures, they can come out there and they're the only people that I know of who have the equipment to measure this out. That's why I want this one technical area to be looked into and for the Superintendent of Police to respond back, to this Councilman anyway, as to how he is going to make these marks on the ground. There's no sense going out there and marking these markers down with someone with a ruler or a big long measuring tape when in fact it requires official measuring devices that are calibrated by the State Weights and Measures people. If that could be relayed then I'll be very happy and once the system comes in then those who are violating will not be able to find a loophole within the law.

Mr. Woods:

Mr. President, if I may. There are a number of inspection stations. The state authorizes inspection stations who calibrate your speedometers. That is a legal advice. That's how the State Police do it. Our police cars are calibrated in the same manner and that's how you get the distance. That's how this device will be done. I know because I had to go to get mine calibrated one time.

Mr. Givens:

We all know that those particular speedometers in an automobile are not accurate measuring devices per the law. The law says it has to be done by certain measuring devices that are calibrated and tested on a periodic basis. If that is not used and if those devices on Vascar are not calibrated and updated every so often then the use of

the system is only as good as what the calibration is.

Michelle Madoff:

I think we should calibrate every Councilmember regularly.

The Chair:

I don't know what the final solution is going to be but I do know that about two years ago Al D'Alessandro and I were coming down the Turnpike and we were going 55 miles per hour because I said, "Don't go above 55". They usually allow, I think, a leeway to 60. We got stopped by a Trooper who said we were going 69. I won't call the Trooper a liar but apparently his speedometer was off or ours was off. But I've said for a long time that they have a quota to maintain and if you're unlucky enough to get caught in that quota, that's it. Al was not going above 55 and he happened to be in the quota. They wouldn't take us anywhere to check his speedometer or to check theirs and if he appears against you in court you don't have a leg to stand on.

Mr. Givens:

That's the beauty of Vascar. Vascar doesn't use any speedometer reading but it uses time and distance between point A and point B. It makes no difference what your speedometer says although that would be a point for the judge to consider as a testimony that you might present to him.

All I need here is just a letter to the Superintendent asking what measuring devices he'll be using. Period.

Mr. O'Malley:

I'd just like to make a comment for the record and borrow a line from my

colleague, Mr. Flaherty, who talks about splitting hairs. I'd like to say that I think Vascar just got a crewcut. I think it will be a good system for the City of Pittsburgh.

Also,

Bill No. 3707

A Resolution entitled, "Resolution amending Res. No. 941, appr. Sept. 24, 1982, to provide a training program for assigned personnel of the Bureau of Building Inspection and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3762

Report of the Committee on Lands and Buildings for September 21, 1983

transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3638

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants in connection with asbestos inspections at various City facilities; and providing for the payment of the cost thereof."

Which was read.

Mr. Woods:

I would like to ask Councilman Flaherty, on Bill 3638, I would like to recommit this until Wednesday. It went past me on Wednesday and I apologize for that. I would like to know who the consultant is to inspect this asbestos and what is he going to do with this inspection? I know a lot about asbestos; I worked with it for a number of years.

Michelle Madoff:

Almost as much as I do.

Mr. Woods:

Probably not as much.

Michelle Madoff:

That's probably true.

Mr. Woods:

I've seen you at a lot of construction jobs, Michelle. You look good in a hard hat. But I would like to know what he's going to do and what

buildings he's going to inspect. Would that be alright, Tom?

Mr. Flaherty:

Yes. I have no problems recommitting the deemed bill. I don't know if we will be able to find who the consultant will be because it seems to me that it is just asking for approval to advertise, a process that I think needs reformed but I would —

Mr. Woods:

My concern is especially with the Director that the Department has a background in — From a company that I know that dealt with asbestos, with sheet metal and pipe covering and steamfitting, and he should, I assume, should be able to walk around and see if the asbestos is defective. I want to know some things about it.

Mr. Woods moved to recommit Bill No. 3638.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

Bill No. 3639

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, authorizing the sale of property in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 3640

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 3641

A Resolution entitled, "Resolution repealing Item B of Resolution No. 311, approved May 6, 1983, which authorized the sale of property in the 3rd Ward, being a 2 Story, Brick House, located at 201 Wick Street, as Block 11-E, Lot 235, to Albert W. D'Angelo, for the sum of \$800.00."

Which was read.

Also,

Bill No. 3642

A Resolution entitled, "Resolution amending Item A of Resolution No. 506, approved July 1, 1983, which authorized the sale of property in the 3rd Ward, being vacant land on Bedford and Rowley Street, designated as Block 9-M, Lots 295, 296, 297 and 298, to Brenda Tate, for the sum of \$900.00."

Which was read.

Also,

Bill No. 3643

A Resolution entitled, "Resolution amending Item C of Resolution No. 226, approved April 11, 1983, which authorized the sale of property in the 20th Ward, being vacant land on Banksville Avenue, designated as Block 36-R, Lot 319 and Block 36-S, Lot 1, to

William F. Kamauf, for the sum of \$5,000.00."

Which was read.

Also,

Bill No. 3644

A Resolution entitled, "Resolution repealing Item I of Resolution No. 1172, approved November 24, 1982, which authorized the sale of property in the 31st Ward, being vacant land on Armorhill and Mestaland Avenues, designated as Block 90-R, Lots 120-126; 166-169, to Kathryn Sullivan and Kathleen Terbosic for the sum of \$4,000.00."

Which was read.

Also,

Bill No. 3645

A Resolution entitled, "Resolution amending Item I of Resolution No. 566, approved July 15, 1983, which authorized the sale of property on McCord Street, designated as Block 12-S, Lots 226 & 229, to Toni J. Gorenc, for the sum of \$500.00."

Which was read.

Also,

Bill No. 3646

A Resolution entitled, "Resolution amending Item J of Resolution No. 572, approved July 29, 1983, which authorized the sale of property in the 26th Ward, being vacant land on Mayfield Avenue, designated as Block 77-N, Lot Pt. 168, to William J. Lott III and Dorothy R. Lott, his wife, for the sum of \$3,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

If I might, Mr. President, I just want to read a report. It's very short. This is a report on the Fifth Annual Conference of Local Energy Officials held in Washington, D.C., September 22-23, 1983.

I attended this conference as the Chairman of Planning, Housing and Development for Pittsburgh City Council and as a member of the Pennsylvania League of Cities Energy and Environment Committee.

The conference was attended by energy officials and elected officials throughout the United States.

The topics of discussion included: "Financing Local Energy Programs", "New Energy Technology", "Cost Sharing

For Energy Programs" and "Developing An Energy Policy".

Additional information will be provided upon request. I might suggest that we contact the Administration to see if the City is a member of the Conference of Local Energy Officials. I do know we belong to a Urban Consortium of Energy Officials which met during the same period of time that I was in Washington, out in Seattle, but it may be to our benefit to be involved in a Conference of Local Energy Officials, and I know Mrs. Madoff is very much concerned in the area of energy and she might want to follow up with the Conference of Local Energy Officials, thank you.

Michelle Madoff:

Three years ago, Mr. President appointed me as a sub-committee of this Council on energy. I have tried to meet with the Mayor's staff. Sent notes over, saving anytime you're having a meeting because they've asked us and we've appropriated dollars for them to look into buildings on energy. I have never heard word-one from them. It would be very nice if they gave us a report and I've asked for it when they attend these energy meetings, if they know anything about it. It would be nice to see what they've learned, if anything.

Mr. Robinson, I would also, like to know the name of the local organization and make sure that my name is submitted as sub-committee on energy of this body. Have we lost two people here?

The Chair:

I accidentally came upon a 1955 gas bill for my house it was \$26.00 for the month of January. It's now about \$250.00.

Michelle Madoff:

Mr. President, I have a resolution, a floor motion, but before I read it I want to read an editorial from KDKA.

During the last election, more than political rhetoric littered the landscape. We can put up with campaign talk. But we have a hard time living with the thousands of political signs hanging on poles, trees and just about anything else big enough for a poster or strong enough for a nail.

Almost every community in our area has an ordinance prohibiting or controlling signs. But, as a practical matter, enforcement is nearly impossible. Most violations go unpunished.

A few candidates, recognizing the errors of their ways, remove signs after election day. Most candidates leave their signs hanging. Their litter outlives their prominence.

We have a solution to the problem. Politicians react to pressure. If they lose a vote for every sign they hang, they won't hang too many. Remember this November. Make it a point to complain against a sign.

What they're asking the public to do, if you see somebody's sign where it doesn't belong not to vote for them. Now, I spoke to Mr. Pellegrini to find out what the laws are and it appears that we are governed by the state election laws, and he suggested that I make a floor motion, and my floor motion is thus: Sense of Council resolution, floor motion. Since it is against the law to post signs on City property such as telephone and utility poles. Referred to in the election code as public right-of-way, I hereby move that the minute any signs are observed on public right-of-

ways other than on property of a residential or business privately owned entity. In other words, if a building owner, or if Mr. O'Malley wants to put a sign in his own property, or I want to, if I live in a building and I get the concurrence of my building then it is acceptable, but on utility poles, on telephone poles, on Duquesne Light signs, they would not be legal. They are not legal right now. Such signs will be removed by Public Works to discourage the littering of our City, and the cost to taxpayers to pay for the same.

The Chair:

Could you also add forfeiture of office, if you don't remove the signs?

Michelle Madoff:

I didn't say that. I said, since I don't post signs, only at the poles, and I asked people not to post them, occasionally one gets up and I try to get it taken down.

The Chair:

Michelle, they've been hollering about signs for 50 years if I can remember, and they're still putting them up.

Michelle Madoff:

Would I have a second for that?

Mr. Robinson:

Seconded the motion.

Michelle Madoff:

Is everybody in favor of removing illegal signs which are against the law to begin with except for where they are legal?

Mr. Flaherty:

Mr. President, I'm in opposition to this ordinance.

Michelle Madoff:

You told me you were for it.

Mr. Flaherty:

No I didn't.

Michelle Madoff:

You thought it over.

Mr. Flaherty:

Well, I rethought it. I'm in opposition to this ordinance, because I believe political signs are the traditional way in this City and in this country. I think it's a lot of hullabaloo about a negligible issue. Plus, I think if you do not allow candidates to advertise you are protecting the name recognition and you are giving a big lead to the incumbents those that are already in office. I think this would really enhance the changes of reelection for example of all the incumbents here, because we have name recognition and name recognition is certainly, if not the most important ingredient certainly one of the most important ingredients in winning public office.

I think if we're going to be fair minded, we should give those challengers to incumbents that perhaps may not have the name recognition that we have accrued over a four year period of time that we should not put them on unequal terms. I think it's a good practice, it's the American way, and I think most candidates do take their signs down after the election, and I think it's a nonsensical issue.

Michelle Madoff:

I don't think it's nonsensical at all. This City is a pigsty. It's full of litter. If you want to see the signs with half the poles and half the signs in various parts of this City it only adds to the untidy, ratlike infestation that we have through this City.

I think you're entirely in error, Mr. Flaherty. It's balderdash because if you are supported by constituents as you were in your election they will give you permission to put signs on their lawns, that is legal. If you're on somebody's private property they're going to remove the sign from the private property. If you don't have enough friends, enough constituents who are going to let you put signs out, then you have to raise enough money to run your ads in the printed or in the television or radio media; and I think to litter our City is a disgrace. I love you dearly but that's balderdash.

The Chair:

They put signs up world wide. In fact, in Pittsburgh and some other cities signs might make the neighborhood enhancing.

Michelle Madoff:

It is against the law. Are you for or against the law, Mr. DePasquale? Do you support the law? The law says you can't put them up, get them down.

The Chair:

How can I be for something that I've been doing all these years, I've been putting signs—

Michelle Madoff:

Ask the public. They don't want signs on their telephone poles and they

don't want them on their utility poles. The public cares that this City is dirty and littered and they care a great deal, and we see these kind of letters to the editor over and over again. Get them off.

The Chair:

Roll call vote.

Mr. Flaherty:

No, because I think it gives an unfair advantage to those that already hold office.

Mr. Givens:

Well, I think that Michelle brings out a good point. I have to expand that.

The Chair:

You've abused it more than anybody.

Michelle Madoff:

That's right. He's the biggest sign putter-outer than anybody in this world.

Mr. Givens:

Excuse me, Michelle, I think I have the floor now. You're interrupting me.

Michelle Madoff:

Oh, I do apologize.

Mr. Givens:

Thank you, Michelle. Michelle is right in many ways on introducing something, but it specializes down just one particular group of people and that is of the political arena. If one goes throughout our City especially around our major universities, I think the signs

that go up on the wooden poles are down within a week or two, are not the littering part of our City. The one's that go on the steel poles by some type of paste and remains there for six, seven, eight years.

In many cases throughout our City especially around the major institutional areas where this is done and that really is where our beautiful institutions, Carnegie Institute, Carnegie Library, the museum and things of this area, where people come from out of town on in.

Then you take all the fast food chain operations if it's so offensive to have something on a pole that what is it when your eyes are looking down at the ground and you see all the fast food chains advertisement just littering our street. To single out one particular opponent, one particular group of people, be it political or otherwise, I think is unfair. The law is there. Its enforcement has been brought before this Council many times.

The Chair:

You can't compare graffiti with political signs. Did I hear right, Michelle, you're saying, your ordinance is to take the signs down after the election? Is that what you're saying?

Michelle Madoff:

Mr. President, that is not my ordinance. I will be very clear. Put your signs on your friends lawn and your supporters lawns, that is legal.

Mr. Givens:

Duquesne Light already—

Michelle Madoff:

I'm not through, Mr. Givens.

Mr. Givens:

I'm not through either.

Michelle Madoff:

You're interrupting me. I interrupted you and apologized. I'm waiting for an apology.

The Chair:

Apparently, I cut Mr. Givens short. Go ahead, Mr. Givens.

Mr. Givens:

The thing about on the lawn signs is real fine, but Duquesne Light which owns the majority of the utility poles, I think that's what Michelle was directing her efforts to here—

Michelle Madoff:

And telephone poles.

Mr. Givens:

Telephone poles or mostly utility poles that Duquesne Light, I would say has 85 percent of all the utility poles in the City of Pittsburgh. Duquesne Light put out a brochure to all those candidates that avail themselves to go to a particular meeting at the Democratic Headquarters wherein they had a flyer they put out and so indicated what the charge would be, I think it's \$300.00 fine for those that post anything upon their pole without their permission.

Michelle Madoff:

Did you get permission when you put them up?

Mr. Givens:

All the candidates received that, I

received it and I'm going to abide by that, but I think to single out a particular group of people in this City is unfair.

Michelle Madoff:

I'm going to continue, Mr. President, now that I'm finished he interrupted. On the street where I used to live going down to Commercial Avenue there were poles with Mr. Givens signs pulled off. There were Dr. Wecht signs. There were many other members of this Council's signs.

Mr. Flaherty:

We are in the voting process, Mr. President.

Michelle Madoff:

I'm commenting.

Mr. Flaherty:

The debates over. The roll call is in motion.

Michelle Madoff:

It is against the law to put the signs up. I'm saying that we take them down right a way and I will personally ask Duquesne Light and I will ask the Telephone Company and ask the Mayor to take down the signs the minute they're put up on property that isn't legal. We are breaking the law.

The Chair:

How did you vote, Mr. Givens?

Mr. Givens:

I voted no, Mr. President. Enforcement is enforcement, the law is here, I said, I'm going to uphold the law. I'm not going to put anymore signs up.

Mr. Robinson:

I vote aye.

Mr. Stone:

I abstain.

The Chair:

This is the toughest decision that I've ever had to make in six years. I have to vote aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Michelle Madoff	Mr. DePasquale
Mr. Robinson	(Pres't)

AYES 3 NOES 2

(MR. GIVENS AND MR. FLAHERTY
VOTING NO)

(MR. STONE ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

Mr. Stone moved to approve the minutes of Monday, September 12, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Givens**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, October 3, 1983

No. 38

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, October 3, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 3764 Resolution providing for the issuance of a warrant in favor of Carl J. Long and Associates, in the amount of \$2,874.28 in payment for

Professional Engineering Services furnished for the benefit of the City in connection with the Street Lighting Study in the City of Pittsburgh; and providing for the payment thereof. Funds are available in Code Account PW 83-34, 4-01-35-0004-83, Engineering Service Contracts. Prior approval by Council Bill No. 3654, dated September 21, 1983.

Also,

No. 3765 Resolution providing for the issuance of a warrant in favor of Casey Company in the amount of \$43,352.22 in payment for Extra Work, being in addition to the original contract price of \$546,150.00 on Controller's Contract No. 25958 and 25958F, furnished for the benefit of the City in connection with the Reconstruction of the Steuben Street Wall without previous authority of law; and providing for the payment thereof. Funds are available in Code Account CDPW 80-30, 4-01-30-0944-80-150-80-01. Prior approval by Council Bill No. 3480, dated August 11, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 3766 Resolution amending Resolution No. 166, approved March 25, 1976, effective April 2, 1976, entitled, "Providing for a Contract or Contracts for tenant work required at the Phoenix Hill Shopping Center for the relocation of the Carnegie Library - Wylie Avenue

Branch, to that facility", by reducing the total project allocation by \$41.12.

Also,

No. 3767 Resolution further amending Resolution No. 1018, approved November 15, 1979, effective November 21, 1979, as amended, entitled, "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, for the Design of Warrington Avenue Reconstruction (PW 78-06); providing for the payment of costs not to exceed \$162,000.00, and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation", by reducing the total project allocation by \$4,933.12.

Also,

No. 3768 Resolution vacating Spahr Street from Centre Avenue to the Pennsylvania Railroad right-of-way in the Seventh Ward of the City of Pittsburgh.

Also,

No. 3769 Resolution vacating Overton Street from Lancaster Street to Billiard Way in the 14th Ward of the City of Pittsburgh, excepting and reserving an easement for the six (6) inch water line and the fifteen (15) inch sewer line located therein.

Also,

No. 3770 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to the Commonwealth for the City's share of construction costs in connection with the Forbes Avenue Project, Agreement No. 69037A, at a cost not to exceed

\$111,309.84, payable from C.A. PW-80-41, Forbes Avenue, Craft to Craig, Street Lighting and Signals.

Which were severally read and referred to the Committee on Public Works.

Also,

No. 3771 Petition from the residents of the City of Pittsburgh, requesting the City to rescind the newly established traffic patterns which are being enforced in the Highland Park reservoir area at the Highland Avenue entrance, and at the road directly below the eastern side of the reservoir.

Which was read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Michelle Madoff presented

No. 3772 Resolution transferring \$7,500.00 from Code Account No. 1703, Utilities to Code Account No. 1704, Supplies, Department of Water.

Which was read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 3773 Resolution transferring \$50,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1825, Wages, Regular and Temporary

Employees in the Bureau of Maintenance, Swimming Pool and Skating Rink Division, in the Department of Parks and Recreation.

Also,

No. 3774 Resolution transferring \$15,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1800-1, Premium Pay in the Bureau of Administration, General Office, in the Department of Parks and Recreation.

Which were read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 3775 Resolution authorizing the issuance of a warrant in favor of Aves International in the amount of \$882.50 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished without previous authority of law; and providing for the payment thereof. Payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation. Prior approval by Council Bill No. 2469.

Also,

No. 3776 Resolution authorizing the issuance of a warrant in favor of Tedesco Landscape Contracting Corp. in the amount of \$13,650.00 in payment for

work at South Side Riverfront Park, furnished for the benefit of the City without previous authority of law, chargeable to and payable from South Side Riverfront Park Trust Fund (SRPTF) in the Department of Parks and Recreation. Prior approval by Council Bill No. 3606, dated September 15, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 3777 Resolution providing for the letting of a contract or contracts or the use of existing contracts for the 1983-84 Tree Planting Program at Various Locations within the City of Pittsburgh, at a cost not to exceed \$100,000.00, \$50,000.00 from Project Code 4-10-15-0001-83, PR 83-16 Tree Planting Program and \$50,000.00 from 4-10-15-0001-83-36-83-10, 1983 CDBG, in the Department of Parks and Recreation.

Also,

No. 3778 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Henry Santucci and Thomas Myers to travel to Cassadaga, New York on October 11, 1983, at a cost not to exceed \$70.00, payable from the Phipps Conservatory Trust Fund (PCTF), Department of Parks and Recreation, to pick up a Staghorn Fern at Figgs Greenhouse. Use of City vehicle PR-8 is also requested.

Which were read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3779 Resolution transferring funds within Code Accounts in the Department of Fire, \$175,000.00 from Code Account No. 1461, as follows:

\$100,000.00 to Code Account No. 1461-1, and \$75,000.00 to Code Account No. 1461-2.

Which was read and referred to the Committee on Finance.

Also,

No. 3780 Resolution providing for an Agreement or Agreements with the Center for Victims of Violent Crime to provide for two additional employees.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3781 An Ordinance limiting the terms of office for the Mayor and Council, City of Pittsburgh, for a term not to exceed three consecutively elected four year terms.

Also,

No. 3782 An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Chapter 233, Sinking Fund, Section 233.03, Depositing Funds, by requiring that all monies from the several sinking funds be deposited in consistence with the City of Pittsburgh's policy and procedures for investments and deposits in minority and female controlled financial institutions or similar depositories.

Which were read and referred to the Committee on Finance.

Also,

No. 3783 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 10 by changing from "R3" Multiple-Family Residence District to "M2" Limited Industrial District certain property located on the southerly

side of Butler Street between Fifty-Fifth and Fifty-Sixth Streets, 10th Ward.

Also,

No. 3784 Resolution providing for an Agreement(s) with the Hunger Action Coalition, a non-profit corporation located at 4401 Fifth Avenue, for the purpose of hiring Emergency Food Assistance Aides to enable the Hunger Action Coalition to better reach out and serve the needy. Cost not to exceed \$23,572.00, payable from 1983 CDBG, ULO, Project No. 4-40-05-0002-83-812-83-35.

Also,

No. 3785 Resolution providing for an Agreement(s) with the "Economics Research Associates" from Boston, Mass., to do the West End Valley Economic and Market Analysis Study, at a cost not to exceed \$22,000.00. Payable from Code Account CP-81-03, Neighborhood Commercial Revitalization Analysis and Support.

Also,

No. 3786 Resolution amending Resolution No. 1439 of 1981, as amended by Resolution No. 402 and 1144 of 1982, entitled, "Approving the submission and budget for the 1982 Community Development Block Grant Budget by transferring \$53,300.00 from line item PW-82-31 Arlington Avenue to line item PW-82-09, Windom Street Slide.

Also,

No. 3787 Resolution providing for the filing of an application by the City of Pittsburgh with the Department of HUD for a grant in connection with the One Thousand California Avenue UDAG. Creating a Special Trust Fund in connection with the project; and

providing for the deposit of the funds in a bank account.

Also,

No. 3788 Resolution approving Modification No. 3 (Dated September, 1983) to the Redevelopment Area Plan - Urban Renewal Plan for Redevelopment Area No. 15, Woods Run Project.

Also,

No. 3789 Resolution authorizing the URA of Pittsburgh to acquire an easement from the Baltimore and Ohio Railroad Company over property designated in the Deed Registry Office of Allegheny County as Block 48K, Lot 100 in the Twenty-Fourth Ward of the City of Pittsburgh under the Industrial Land Reserve Fund.

Also,

No. 3790 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 3rd, 4th, 5th, 8th, 10th, 12th, and 13th Wards - Residential Land Reserve Fund.

Also,

No. 3791 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to transfer property in the Twenty-First Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 22-R, Lot 186 from the Industrial Land Reserve Fund to the Residential Land Reserve Fund.

Also,

No. 3792 Resolution approving execution of a Disposition Contract by and between URA and Larry N. Wilson for the sale of Block 23-E, Lot 189 in the

Fifth Ward - Residential Land Reserve Fund (3104 Avalon).

Also,

No. 3793 Resolution approving execution of a Disposition Contract by and between URA and Steve Catranel Construction Co., Inc. for the sale of Block 50-L, Lots 196, 198 and 199 in the 10th Ward of the City of Pittsburgh for \$1,000.00 per dwelling unit - Neighborhood Housing Fund (5202-10 Broad Street).

Also,

No. 3794 Resolution approving execution of a Disposition Contract by and between URA and Robert Hunkele for the sale of Block 46-P, Lot 361 in the 25th Ward for \$150.00 - Residential Land Reserve Fund (2-4 Olive).

Also,

No. 3795 Resolution approving the sale of Parcels 28A and 28B (1415-1413 Adams) in the 21st Ward of the City of Pittsburgh by and between URA and John W. Palarino for \$3,200.00 - Redevelopment Area No. 27.

Also,

No. 3796 Resolution approving the sale of Parcels 52 and 53 (636-640 Watt) in the 5th Ward of the City of Pittsburgh by and between the URA and Charles E. Davis Construction Co., Inc. for \$500.00 - Redevelopment Area No. 32.

Also,

No. 3797 Resolution approving the sale of Parcels 58A, 58B, 58C and 59 (Francis and Wylie) in the 5th Ward of the City of Pittsburgh by and between URA and Charles E. Davis Construction

Co., Inc. for \$1,000.00 per dwelling unit
— Redevelopment Area No. 32.

Which were severally read and referred
to the Committee on Planning, Housing
and Development.

Mr. Stone presented

No. 3798 Resolution providing for
the Controller to enter into contract or
contracts with Peat, Marwick, Mitchell
and Company for software and software
implementation. Cost not to exceed
\$375,000.00, payable from Code Account
C.F.M.I.S., Controller's Financial
Management Information System.

Also,

No. 3799 Resolution providing for
the City Controller to enter into
contract or contracts, or for the use of
existing contracts, to purchase hardware
from Honeywell Information Systems,
Inc., not to exceed \$130,000.00, payable
from Code Account C.F.M.I.S.
Controller's Financial Management
Information System.

Also,

No. 3800 Resolution amending
Resolution No. 603, effective August 25,
1983, entitled, "Providing for the filing
of an application or applications by the
City of Pittsburgh ... and to provide for
fund transfer notification by the
Director of the Department of Personnel
and Civil Service Commission.

Which were severally read and referred
to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by
providing for consideration of the bills
only until or after the 9th calendar day
following the meeting in which the bills
were introduced so the bills will be on
the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3801 Communication from Al
Benedict, Auditor General,
Commonwealth of Pennsylvania,
submitting the audit report of the Liquid
Fuels Tax Fund administered by the City
of Pittsburgh, for the period January 1,
1982, to December 31, 1982.

Which was read and referred to the
Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3802

Report of the Committee on Finance for
September 28, 1983 transmitting sundry
resolutions to Council.

Which was read, received and filed.

Also, with an affirmative
recommendation,

Bill No. 3576

A Resolution entitled, "Resolution
amending Resolution No. 1377, effective
December 31, 1981, entitled: 'Providing
for the issuance of a warrant in favor of
Stanley Magic Doors, Inc., at an
aggregate cost not to exceed \$3,500.00
for material and work performed on the
automatic doors at the Ross Street
entrance of the City County Building and
providing for the payment thereof' by
reducing the project cost from \$3,500.00
to \$3,120.00."

Which was read.

Also,

Bill No. 3691

A Resolution entitled, "Resolution transferring the sum of (\$100,000.00), One Hundred Thousand Dollars, from Code Account No. 1167, Wages, Regular Employees, (\$50,000.00), and from Code Account No. 1170, Wages, Reporting Time, (\$38,000.00) and from Code Account No. 1169, Wages, Regular Employees - Sick Leave, (\$12,000.00), Department of Environmental Services to Code Account No. 1174, Rental of Equipment, Department of Environmental Services.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3709

A Resolution entitled, "Resolution

providing for the issuance of a \$2,539.83 warrant in favor of Bell of Pennsylvania in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 3710

A Resolution entitled, "Resolution authorizing the Mayor to issue, and the City Controller to countersign the duplicate warrant to the same payee and in the same amount to replace warrant which was lost, stolen or inadvertently destroyed."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3734

A Resolution entitled, "Resolution transferring the sum of \$45,000.00 from Code Account No. 1443, Salaries and Wages, Regular and Temporary Employees, Department of Police, to Code Account No. 1443-6, In-Grade Pay, Department of Police."

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 3803

Report of the Committee on Public Works for September 28, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3647

A Resolution entitled, "Resolution

vacating Thirty-Seventh Street from Sassafras Street to North Neville Street in the 6th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3692

A Resolution entitled, "Resolution providing for an Agreement or Agreements between the City of Pittsburgh and the Port Authority of Allegheny County whereby the Port Authority agrees to assume ownership and maintenance of the Duquesne Incline Footbridge in exchange for the City's acceptance of ownership and maintenance of fences on the designated vehicular bridges."

Which was read.

Also,

Bill No. 3693

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Demolition and Replacement of the Duquesne Incline Footbridge over Carson Street West, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

On Bills 3692 and 3693, it has come to my attention that there are some plans concerning the development of Mount Washington that relate to parking facilities, the Tri Mont Development and so on. I would like the bills held for two weeks to make sure that the access to the bridge going to the incline will provide for people parking to have access to the facility. This just came to my attention over the weekend and I would like to hold it for one week if its alright.

Mr. Stone:

If there's anything up on that hill that you ought to do is get rid of that part that's done already. If there's more that has to be done, let's catch it. But let's get as much as we can.

Michelle Madoff:

This is the part that's coming down in the wrong spot. We need time to talk to Lou today. According to the people who are developing the area, until we check, the access where the people are going to have access to getting on to the incline. Access to the incline will come down on the street as opposed to where it's supposed to be.

Michelle Madoff moved to recommit Bill No. 3692 and Bill No. 3693.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

On the same subject, Mr. Stone, didn't we vote in Council on that access, either air rights or street rights next to the paint facility, the little train that's going to go between the old paint building and the Grand Concourse? Didn't we vote to take that away from, I think, a man by the name of Pearlman —

Mr. Stone:

We voided a sale, that's all.

The Chair:

They had an option on it for years and they never took advantage of the option.

Michelle Madoff:

Right, and it was supposed to go to the Tri Mont Developers. That was my understanding at the time. I asked about it when we voted on it in Council. Was I right or wrong?

Mr. Stone:

It was in someone else's hands.

Michelle Madoff:

Who's hands is it in?

Mr. Stone:

It's in ours now.

Michelle Madoff:

I thought we had done it for the purpose of letting that Tri Mont Development tie into Grand Concourse, for the good of the community.

Mr. Stone:

Let me finish and then we'll get back.

First of all, it was in the hands of a person who had an option on it. They didn't exercise it fast enough and we voided the option. It's now in our hands and one of the reasons was to permit access to everybody to go there along the river.

Michelle Madoff:

Where is the status of that property now?

Mr. Stone:

It's in the City of Pittsburgh's hands at this point and as I understand it, Tri Mont is trying to either buy or lease it. That's where it's at now. There's been a request for it.

Michelle Madoff:

May I ask who is handling that for the City? Would it Daryl Smith or would it be URA?

Mr. Stone:

Lands and Buildings.

Michelle Madoff:

Alright. I've got to speak to Daryl about that.

Mr. Stone:

They're to give us a report on it. I've already asked for it.

Also,

Bill No. 3694

A Resolution entitled, "Resolution amending Resolution No. 361, approved May 18, 1983, effective May 27, 1983, entitled, 'Providing for a Contract or Contracts for the E. Sycamore Street Hillside Stabilization, including necessary work on private property and other work incidental thereto; and to enter into any agreements necessary for the construction of this contract; and providing for the payment of the cost thereof,' by reducing the project allocation to - 0 -."

Which was read.

Also,

Bill No. 3696

A Resolution entitled, "Resolution granting unto Santo Construction Co., their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk encroachment on a portion of the sidewalk at 4500 Liberty Avenue, in the Eighth Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3697

A Resolution entitled, "Resolution granting unto the Association for Retarded Citizens, 1001 Brighton Road their successors and assigns, the privilege and license to construct,

maintain and use at their own cost and expense, a projection over a portion of the sidewalk of Beech Avenue in the 22nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3596

A Resolution entitled, "Resolution vacating Frost Way from Hillsboro Street to its Northerly terminus (162.03'+), in the Twentieth Ward of the City of Pittsburgh." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3736

A Resolution entitled, "Resolution amending Section 11 of Resolution No. 1228, effective December 31, 1979, as amended, entitled, 'Providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the 1980 Community Development Block Grant Program', so as to decrease line item PW-80-23 'Improvement to Chestnut Street Intersection' from \$480,000.00 to \$428,678.98; and further to increase line item PW-80-30 'Steuben Street Sidewalk' from \$120,000.00 to \$171,321.02."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3804

Report of the Committee on Planning, Housing and Development for September 28, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3737

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the commercial structure at 1018 W. North Avenue in the Manchester Historic District in the 21st Ward, Block and Lot 022-S-031.

Which was read.

Also,

Bill No. 3738

A Resolution entitled, "Resolution

providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 512 N. Taylor Street (Block and Lot 23-J-215), 514 N. Taylor Street (Block and Lot 23-J-214), 1306 Monterey Street (Block and Lot 23-J-210), 1200 Buena Vista Street (Block and Lot 23-N-041), 1233 Monterey Street (Block and Lot 23-J-287), 411-413 N. Taylor Avenue (Block and Lot 23-K-125), in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3739

A Resolution entitled, "Resolution providing for a Cooperation Agreement with Urban Redevelopment Authority of Pittsburgh for the transfer of \$7,000.00 to Urban Redevelopment Authority of Pittsburgh from the City's Upper Strip District Technical Assistance Trust Fund."

Which was read.

Also,

Bill No. 3740

A Resolution entitled, "Resolution providing for the execution of a grant contract with the Pennsylvania Department of Community Affairs for a grant in connection with the Enterprise Development Area Program, and for the filing of requisitions and other data, approving the Enterprise Development Area Program, providing for required assurances, for the execution of payment vouchers on letter of credit, for certification of authorized signatures and for the deposit of funds in an Enterprise Development Area Program Trust Account."

Which was read.

Also,

Bill No. 3741

A Resolution entitled, "Resolution providing for a cooperation agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Enterprise Development Areas Program, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3742

A Resolution entitled, "Resolution amending Resolution No. 425, effective June 10, 1983, entitled, 'Providing for an Agreement or Agreements with the Oakland Planning and Development Corporation, Inc., for the City's share of funding for the continued involvement and execution of revitalization programs and projects in the Oakland Community', so as to increase the funding from \$60,000.00 to \$90,000.00."

Which was read.

Also,

Bill No. 3743

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Community Human Services of Oakland, for the City's share of funding for the continued training and placement of CETA participants in unsubsidized employment situations."

Which was read.

Also,

Bill No. 3744

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Esplen Citizens Council for the continued operation of the Esplen Senior Citizens Center."

Which was read.

Also,

Bill No. 3745

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Elderado Senior Citizens Program for housing counseling services to assist elderly and low income persons." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3805

Report of the Committee on Supplies for September 28, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3712

A Resolution entitled, "Resolution providing for a lease agreement between the City of Pittsburgh, Department of Personnel and Civil Service and the Public Auditorium Authority of Pittsburgh and Allegheny County and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3806

Report of the Committee on Parks and Recreation for September 28, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3701

A Resolution entitled, "Resolution providing for a contract or contracts or the use of existing contracts for repairs at various Park facilities including a retaining wall on Circuit Road in Schenley Park, paving at Clemente Park and paving at Mellon Square; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3746

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Youth City of Pittsburgh, Inc., for services relative to providing a Thanksgiving dinner for needy people, and transferring the sum of \$1,500.00 from Code Account No. 10, Accounts Payable, Prior Years, to Code Account No. 1838, Misc. Services, Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 3807

Report of the Committee on Lands and Buildings for September 28, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3638

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants in connection with asbestos inspections at various City facilities; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3688

Resolution repealing Item D of Resolution No. 651, approved August 1, 1983, for the sale of a 2 story brick building at 1009 N. Lang Avenue (13th Ward) 174-E-139 to Bill and Cassaundra Wright, for the sum of \$7,000.00. Resolution is to repeal sale and return hand money.

Which was read.

Also,

Bill No. 3689

Resolution amending Item B of Resolution No. 697, approved August 25, 1983, for sale of vacant land on Cliff Street, designated as 9-M, Lots 197-197A-198 to Stephanie Johnson, for the sum of \$1,000.00. Amendment is to correct T.D.B.V. number from 12 to 13. Both the proposal and the Resolution should read T.D.B.V. 13, not 12.

Which was read.

Also,

Bill No. 3690

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947, as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, two quick items if I might. Council will remember back in July, in fact, on July 5, 1983, we adopted Resolution 540 which was in honor of the late Honorable Thomas A. Harper, a member of our Court of Common Pleas here in Allegheny County. Mrs. Harper has sent a letter of acknowledgement and I'd like to read it into the record if I might.

"Dear Councilman Robinson:

This letter acknowledges Resolution No. 540 presented by you in Council on July 5, 1983. I am grateful for the honor and tribute that members of City Council paid to my late husband, Thomas A. Harper.

I delayed writing you because I wanted to wait until Council was back in session. It would please me if you would have this acknowledgement read on the record.

Sincerely yours,

Gladys C. Harper"

The second item, Mr. President,

relates to the vacant Fifth Avenue High School Building which is in the Third Ward of the City of Pittsburgh.

Back in June of 1981, Council authorized the Urban Redevelopment Authority to turn that property over to some potential developers and the site was supposed to be used for offices, research facility and amenities. To date, the site has not been developed and as Council is aware, there has been a number of community and legal problems surrounding that building and some requests to have it developed post haste.

I think it would be appropriate for Council to get a report from our Urban Redevelopment Authority as to the status of the building on Fifth Avenue, who are the present owners, what is the present prospects of developing that building, and whether or not the options on the building have expired and whether or not it's in the best interest of the City to terminate the agreement with these developers and find some other developers.

I think two years is more than enough time trying to develop a building of that type and if indeed the present developers can't do it, I think it's in our best interest to find someone else who can.

Council may be aware that there is some efforts on the part of several merchants and civic associations in that Fifth Avenue area to upgrade their community. A lot of renovation has been done there and that building is sitting there and is a gigantic eyesore. Anything we can do to help them get it developed, I think, would be helpful to the City, to the people who live there, and hopefully, to the present developers.

Thank you.

The Chair:

That's a point well taken because there's a lot of people concerned about that. It's just a matter of technicality but I believe on that side of the street it's the First Ward and on the other side it's the Third Ward down to Jumonville Street and then it becomes the Fourth Ward. I know there were voting precincts there from the First Ward at one time.

Mr. Woods:

I totally agree with you. We had a number of incidents up there in that building and you did say their option is up, is that right?

Mr. Robinson:

I'm not sure whether it is or it isn't. We need to find out. I think after two years it probably should be up.

Mr. Woods:

Bill, I think that if we check into it and get a full report, I believe that some stipulations of that option are up and they have to surrender it or do something with it by now.

Mr. Robinson:

One of the problems, I think, is that when the building was turned over to the developers, they leased it back to the City which meant that they didn't have to spend any money for maintenance or upkeep. The City, the URA is actually doing this. I think perhaps that one of the reasons that the developers have not moved a lot faster to develop it is that really the building is not under their control. While they paid \$50,000 for the building, they certainly haven't spent any money at all. In fact, if I'm not mistaken, the City and URA is boarding up the building and we're securing it and we're cleaning it and I

think that after two years that the developers should either develop the building or the City should take it back.

The Chair:

I thought at one time they were ready to renovate that.

Mr. Robinson:

They were.

The Chair:

Is that off now?

Mr. Robinson:

Well, they thought that the County laboratories were going to move into the building. Then that was delayed. That was the major tenant that they thought they had. Since then there have been no definite proposals to develop the building.

Mr. Woods:

That's what the stall was about. I've done a little bit of checking in the last month or so and I believe that we should take it back because they are in violation of their option.

Michelle Madoff:

I have a note from a Tony Ganzak. Tony Ganzak is one of the gentlemen who took the police psychological test and failed it. He went out to two private sources, two private psychologists, he went to one and they said that he was qualified. I understand they use a standard test. I said it would be one on one and I suggest you have a second.

I've been trying to get him on the line. Hopefully, I will get him today.

He's now had two independent psychological tests and they are favorable.

I have not, because of pressures, had a chance to run the ad in the paper but we'll run it today under personals asking that anybody who has taken the psychological test and failed it to please contact me. I want to see that they get two independent tests. If the two independent tests say that they are qualified then I think the City would have an obligation to reimburse those medical bills. I think that's something we're going to have to wait and see what's going to happen.

The Chair:

I don't want to interrupt you, Michelle, but I just want to say that psychologists are like lawyers; no two ever agree.

Michelle Madoff:

They're using a standard test, Mr. DePasquale, and I don't believe that you and I differ or any member of this Council. When eighty percent of the people are failing the psychological test, there's got to be something wrong somewhere.

That leads into another issue. In the newspaper this weekend there were drug businesses booming again. They show the problem in the Homewood/Brushton and Frankstown area. It talks about, if you put a policeman on one corner the drug scene just moves to another corner. It gets back to the original thing; there just aren't enough police. We're 105 below minimum security and a lot below what this Council, repeatedly, year after year, has recommended the monies be appropriated.

I think we're going to have to deal with that very seriously. We're going to have to set up some kind of a drug force that is not highly visible, I don't know what you call them, but a separate man or woman drug busting entity and we've got to have visible police with dogs all over every area. They move to one corner, we've got to put the police on that corner. If you read the article, it not only affects the community where the drugs are being sold and the people are being drugged, but it affects all of us because they support that habit by robbing and stealing.

I think that's got to be a priority item on this year's budget.

That gets me to the next item that just leads right into it. I had asked this Council and Mr. Perry to please set up a meeting with our "lobbyist", Mr. Giesey and with our State Legislators, Mr. Murphy, Mr. Dawida, Itkin, and a number of other people. In the process of setting up that meeting it came to our attention that we don't have a lobbyist, that Mr. Giesey's contract was not picked up as of April, 1982. To refresh the memory of this Council, I have always voted against a part-time lobbyist; I felt we needed a full-time lobbyist. I might tell you that from this article that appeared in the Post Gazette, I'd like to read for the record.

"Two State Representatives from Pittsburgh said yesterday that the City may be losing out on thousands of dollars annually because it does not have a full-time lobbyist in Harrisburg. Representatives Murphy and Dawida say they have called on Mayor Caliguiri repeatedly to add a Harrisburg lobbyist to the City payroll or share the services of the lobbyist who now works for Allegheny County.

Both Legislators say the result of

the lobbying work would more than equal his or her salary in state grants and a greater role for the City in shaping legislation."

I don't want to go on about how it surfaced with my bringing it to attention, but it goes on to say that, "Giesey's contract was never renewed and expired and he was getting \$15,000 for part-time, \$35 an hour.

Madoff said she would press for a hearing on the lobbyist during hearings on the City 1984 Budget in December.

Only one other State Legislator of the City could be reached for comment. Ivan Itkin, Point Breeze, said he too feels the City would benefit from a lobbyist. All three Legislators cited the work done for Allegheny County by its lobbyist, Chuck Kollings" — I met with him at Romanelli's corn roast and he seems like a very capable young man. We had some conversation. He is being paid \$29,000 annually and incurs traveling expenses of about \$6,000 so I guess he's on a \$35,000 a year fee. — "He pointed to a report he submitted recently to the County Commissioner showing that lobbying efforts were partly responsible for the County's receipts of about \$7 million more this year than Governor Thornburg had proposed in his original budget. Itkin said the City could not hope to realize such gains because it does not deal in human service areas but the Allegheny County does. But I'm sure that \$50,000 could be realized easily by just watching applications of the State and Department of Community Affairs."

I did not know, and perhaps many other people didn't know, that the \$1.7 million that we got that's going over to the J & L site for some of the new development of technology came about because Murphy bumped into Caliguiri in the street and Philadelphia was getting

some money and he said, "Why don't we get equal time?", you know, quid pro quo. Philadelphia is getting money; why don't we get some money?

I think it's important that we have a full-time lobbyist in Harrisburg and in Washington. I don't want our Finance Chairman to tell me, "Well, that is an issue when we get to budget." When we get to budget I'm always told it's too late. So I'm bringing it up now and asking that my colleagues support that as a major issue when we get to the budget hearings.

The last item that I have, County Commissioner Foerster is asking to support a bill. It's House Bill 229 which would exempt home owners age 65 and older from paying county, school and municipality property taxes on the first \$10,000 of their assessments if their income is \$10,000 or less a year. I think that is something that we ought to support as well. It seems that it has passed part of the structure and that Mr. DeLuca is considering raising the maximum home income level from \$10,000 to \$11,999 to match the income eligibility lid in the property tax and rent rebate program.

I would like to make a motion that we send a letter to the appropriate people and to Tom Foerster supporting his bill.

Mr. Flaherty seconded the motion.

Mr. Woods:

Mr. Chairman, I'd like to know more about it than just speaking here. I know many, many times we raise resolutions off the floor without having something in writing. Before I vote on something like that I would like to have more in depth detail. What exactly does it entail? What kind of money are you

talking about? What would it cost the City? I'm all for the senior citizens but I just want to know what we're talking about here.

Michelle Madoff:

Would you like me to read you the entire article?

Mr. Woods:

No, I know what newspapers do, they write what people tell them. I want to know what the full impact is. I want to see what he is proposing, in writing, what it's going to cost this City. That is what we should look at, not an article in the newspaper. I can tell these reporters anything and they're going to write it.

Michelle Madoff:

Do you?

Mr. Woods:

Wait a minute, let me finish. I listened to you.

I could be telling something completely out in left field and they're going to say, "Ben Woods said this and Ben Woods said it's a fact." I would like to see the facts in black and white before I vote on anything like this other than a newspaper article. I hope my colleagues, before they vote on anything like this, would see what it's going to cost the City of Pittsburgh in tax dollars and something in black and white.

Michelle Madoff:

Thank you Mr. Woods. Now I'll read the article in its entirety. It's five paragraphs.

Mr. Woods:

I don't care to hear the article. I read the article myself.

Michelle Madoff:

You may leave. You're excused.

Mr. Stone:

Relative to this thing, I think that before we start running into this, even if it is a wish kind of a motion, for those who understand something where we've had a tax on those under \$10,000 they get reimbursed out of the lottery and the City of Pittsburgh is getting the money and the people under \$10,000 are not really paying it up to those quotas. So, in effect, what you're doing here is giving exemption, therefore, they don't have to pay, therefore, we don't get the money. I think we ought to be looking at this kind of thing. Since it's a wish motion I don't care. But I think that we ought to be doing a little bit more, as Mr. Woods has indicated. Looking at something that looks bright may cause a financial detriment to us.

Michelle Madoff:

Mr. President, I agree with Mr. Woods and with Mr. Stone that we ought to get the bill in its entirety but since there's a pressure of time to support a bill I'd like to read just what it says. I didn't want to take everybody's time; I just assumed all our members of Council read the paper and are abreast of all of these things and that Mr. Woods also knew it was from the lottery. But I will read it, it's very brief and to be put in the record. Those of us who wish to pass it as a wish motion and get further information, we can do that.

"County Commissioner Tom Foerster says legislation intended to give a major tax break to elderly home owners is now in the State House

calander and has an excellent chance of passage.

He said he has asked Allegheny County's Legislative Delegation to support House Bill 229. It would exempt home owners, age 65 and older, from paying county, school and municipal taxes on the first \$10,000 of their assessments if their income is \$10,000 a year or less. On homes valued at more than \$10,000 the owner occupier will pay the full tax rate over that level.

Foerster estimate the bill, if enacted, would save \$1,200 for the average senior citizen homeowner whose income does not exceed \$10,000 annually. If he receives more than that he would pay the total tax.

Foerster said he has been trying for years to obtain additional tax benefits for elderly residents of Allegheny County. Representative Tony DeLuca, Democrat, Penn Hills, introduced House Bill 229 at the request of the Board of Commissioners. Foerster said DeLuca is considering raising the maximum income level from \$10,000 to \$11,999 to match the income eligibility lid in the property tax and rent rebate program.

If DeLuca's proposed tax concession is approved and signed by the Governor, said Foerster, an additional \$52 million would be extracted from the state lottery fund to reimburse local communities. Foerster noted the fund now has a \$300 million surplus."

Now, it may have some different effect. As you stated, Mr. Stone, it is only a wish bill. We have no power to enact. As a matter of fact, we propose police and the Mayor doesn't put them on. We even fund the dollars and he doesn't do it.

I'm saying that it's a worthy bill. There's a time frame; the bill is imminently going to come out of Committee and I certainly think it's worth supporting. I support the bill.

Mr. Stone:

Mr. President, if I may. I indicated first of all already that the City would lose money if this wish were to be carried out. But in addition, and I think we ought to be cognizant of the fact that 30 percent of our City's population is now elderly. All we need to do is take some of the tax off of those people. Who do you want to put it on? The wage earner? The wage earner's tax in the City of Pittsburgh is higher than any municipality around it. What you are doing in your efforts to act like you're helping somebody is burdening the other portion of the population. They then are the most mobile crew that we have within the City of Pittsburgh. They now leave the City of Pittsburgh and it ends up being 50-50. No way can half of it carry all the tax burden for 100 percent.

Michelle Madoff:

May I respond? Mr. Stone says for those who understand; some of us understand more than you'd like to think we understand. It states here that the monies will be coming from a \$300 million surplus lottery. Not put on those people who are already paying too much taxes. If Mr. Stone is so concerned about the City taxpayers or only one tenth as concerned as I am and other members of this Council, he would know that that report put out by the Economy League which is being entered for an award among other associations of it's same ilk, which was done by some of the top accounting houses in the City, says that in two years we'll have a 90 mil increase in taxes unless we get some relief from the suburbanites which doesn't seem very

likely. You're going to talk about people having a mass exodus from the City for any reason; it won't be because they get money back from the lottery. It will be because we're taxing them right out of the City.

The Chair:

Michelle, if I may. Why don't you hold that resolution until we have a full Council? You have three members missing.

Michelle Madoff:

Those Councilmembers deliberately got up and walked out, Mr. DePasquale, and they don't really care about the bill. It is only a wish bill. It says let's support senior citizens and let's not get a lot of rhetoric about putting the burden, and we pretend we want to help people but we really want to do damage. The money comes out of the lottery.

The Chair:

Do you want to vote on the resolution or do you want to hold it?

Michelle Madoff:

I want to go with the resolution.

The Chair:

Roll call vote.

Mr. Givens:

I'd like to vote aye and the fact that the Lotto and the money that the state is receiving, I think some \$855 million, we receive on an annual basis up to this date from our Lotto and if you know and what Michelle is indicating here, is that there is a \$300 million surplus.

Now, it's for the elderly and this bill is for the elderly. It makes common sense. I think the Commissioner and other people who are suggesting this are right on track. It's not going to affect the City of Pittsburgh as long as we get our fair share of that money returned into our Treasury and it helps the people who need the help. I vote aye.

Mr. Stone:

I vote no for the reasons that I have indicated. I think what applies to the County does not apply to the City. With our wage earners now, and we're losing the amount of wage earners we have, and we're adding an added burden to them, we are creating a fiscal problem for the City of Pittsburgh. Thank God it's only a wish.

The Chair:

I'm voting no because I want a little more time to study it. I really don't have that much information.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Michelle Madoff
Mr. Givens	Mr. Robinson

AYES 4	NOES 2
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(MR. STONE AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of

Council not being in the affirmative, the motion was defeated.

Mr. Stone moved to approve the minutes on Monday, September 19, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, October 10, 1983

No. 39

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, October 10, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

ABSENT:

Mr. Stone
Mr. Woods

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Our first order of business today will be a resolution by Mr. Robinson.

Mr. Robinson:

Could I have Joni Rabinowitz and Ms. Portia Johnson from the Hunger Action Coalition come forward please? Miss Rabinowitz is the Public Policy Advocate for Hunger Action Coalition and Miss Johnson is the Administrative Assistant and Fund Raiser.

Members of Council and Mr. President, over the past five years the issue of hunger has been a topic of much discussion and substantive reporting as to its extent in Allegheny County and the City of Pittsburgh.

The last two years have seen the dramatic increase in the number of food distribution programs. Some in direct response to the issue of the chronic hunger problems in our area, and some as a result in the Economic down turn in the "Steel Valley" and among layed off or unemployed workers.

This Council has been in the forefront of the effort to feed the hungry. I believe that we can do more.

Both Councilman Givens and Councilman Woods have worked directly in food distribution programs and are to be commended.

The City of Pittsburgh has annually recognized World Food Day. I

would like to read this resolution in honor of World Food Day, and solicit your support, as well as your assistance in adequately informing the citizens of our City about the various food distribution programs and their requirements.

Mr. Robinson presents

Bill No. 3839 WHEREAS, hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world; and

WHEREAS, over 100,000 residents of Allegheny County experience hunger annually; and

WHEREAS, the United Nations Food and Agriculture Organization of the United Nations designated October 16, 1983 as "World Food Day" because of the need to alert the public to the increasingly dangerous situation with regard to hunger, malnutrition, and poverty; and

WHEREAS, although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups notably native Americans, migrant workers, single parent families, elderly, women and minorities remain vulnerable to malnutrition and related diseases; and

WHEREAS, in our own community, Hunger Action Coalition, a broad-based organization working on a variety of issues related to hunger, now serves about 30-40 hungry households a day, has an emergency pantry network of 117 pantries which provide emergency food assistance to those in need; and

WHEREAS, the Coalition also pursues other programs related to hunger, recommends legislation, promotes public education and advocacy,

registers voters, and provides outreach about federal food programs.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh, does commend Hunger Action Coalition for its exemplary work; does proclaim October 16, 1983, "World Food Day" in the City of Pittsburgh; and does pledge the City to undertake concrete programs which will help alleviate hunger among the less fortunate people in our City.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Ms. Rabinowitz:

I want to thank Mr. Robinson and also the other members of City Council for taking this day to recognize the millions of people all over the world who don't have the very most basic items of life.

I also understand that this week you will be passing on a funding request from us which will enable us to continue our work which includes both feeding the hungry in Pittsburgh and also responding to calls for help in other parts of the world.

If anybody has been following the situation across the country, I think it's become obvious by many cities' participation over the last several months around these issues, cities that have begun to take on issue of the hungry, that people all over in the public sector are finally recognizing that the private sector cannot and should not take on the responsibility of providing these

citizens unable to earn a living with the basic living needs because basically the private sector has been unable to provide this need.

We're glad that Pittsburgh is joining in on that call from other cities across the country to help feed and clothe the most unfortunate people in our society.

Again, I want to thank you very much. I also want to express the regrets of our President of our Board, Dr. Jo Ann Malenock, who is unable to be here today. Again, thank you for your concern and we hope to be working together more in the future.

Michelle Madoff:

What is the bill you're referring to? The legislation coming up this week? Bill, what was that about?

Mr. Robinson:

There is some legislation in Council to provide the Hunger Action Coalition with some funds out of our Emergency Jobs Program Bill so that they can continue their food distribution program.

Michelle Madoff:

How much is that?

Mr. Robinson:

Approximately \$23,000.

Michelle Madoff:

Will that get you through the year?

Ms. Johnson:

The next few months.

Michelle Madoff:

Do you have other sources? Do you have any other matching sources?

Ms. Johnson:

We have a regular budget that's finished in 1984. As of yet, it's \$4,000, our budget is \$160,000.

Mr. Robinson:

In the past, the City has given about \$35,000 to help do some renovations, to help the Pittsburgh Community Food Bank which is one of the organizations that Hunger Action Coalition has supported. But the \$23,000 is the first money that this Council has appropriated specifically to this organization. I should mention that they have been in the food distribution business a long time, long before the current crisis.

Mr. O'Malley:

Is that \$23,000 for staff?

Mr. Robinson:

Yes, that would be for staff.

Michelle Madoff:

When is that bill coming up, Councilman?

Mr. Robinson:

The bill has already been introduced into Council. I believe it will be on the agenda Wednesday.

Michelle Madoff:

Have you talked to a number of us about the vote? Do you have the support for the vote. You have my vote.

Mr. Robinson:

I appreciate that but I would assume that all members of Council would be reviewing the bill and if there's any questions I'd be more than happy to talk to you about it.

The Chair:

Thank you very much.

Mr. Flaherty presented

No. 3808 Resolution providing for the issuance of a warrant in favor of the Runcher Company for the amount of \$19,400.00 for rental of space at 28th Street in connection with the Auto Pound, chargeable to and payable from C.A. 1361, Misc. Services, Department of Lands and Buildings.

Also,

No. 3809 Resolution transferring the sum of \$19,400.00 from Code Account 1362-2, Electric Current to Code Account 1361, Misc. Services in the Department of Lands and Buildings.

Which were read and referred to the Committee on Lands and Buildings.

Also,

No. 3810 Resolution providing for a contract/s or the use of existing contracts in connection with the rehabilitation of various fire stations including the removal of asbestos at a cost not to exceed \$235,000.00, chargeable to and payable from LB 83-01 (4-25-01-1964-83) Rehabilitation of Fire Stations, Department of Lands and Buildings.

Also,

No. 3811 Resolution authorizing

the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its right, title and interest, if any, for certain Three Taxing Bodies' properties in the 27th Ward of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$500.00, as indicated per the listing.

Also,

No. 3812 Resolution amending Item B of Resolution No. 581, approved June 21, 1982 for vacant land on Idlewood Road (28th Ward) 67-B, Part No. 2, to Crown Wrecking Co. for the sum of \$57,700.00. Amendment is to correct the description of the property.

Also,

No. 3813 Resolution amending Resolution No. 72, approved February 15, 1983, for vacant land at 2134 Fifth Avenue, 4th Ward, Block and Lot 11-K-56, to Anthony F. Williams for the sum of \$1,500.00. Resolution is to reduce price of sale to \$500.00.

Also,

No. 3814 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3815 Resolution transferring the amount of Twenty Five Thousand (\$25,000.00) Dollars from Code Account 1612-4, Salt, to Code Account 1612-5,

Rental of Equipment, both accounts within the Bureau of Operations, Department of Public Works.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3816 Resolution providing for the issuance of a warrant in favor of Brayman Construction Corporation in the amount of \$1,050.00 in payment for Extra Work, being in addition to the original contract price of \$1,191,725.00 on Controller's Contract No. 25948, furnished for the benefit of the City in connection with the Forbes Avenue Bridge, without previous authority of law; and providing for the payment thereof. Funds are available in Code Account PW 83-18, 4-01-30-0001-83, Misc. Repairs to Streets and Structures. Prior approval granted by Council Bill No. 3698, dated September 28, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 3817 Resolution granting unto Pennsylvania Macaroni Company, 2012 Penn Avenue, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a stairway to their basement in a portion of the sidewalk at 2012 Penn Avenue, in the 2nd Ward of

the City of Pittsburgh.

Also,

No. 3818 Resolution repealing Resolution No. 1217, approved December 31, 1979, effective December 31, 1979, entitled, "Providing for a Contract or Contracts for Engineering Services for the Inspection of various City Bridges (PW 79-09); providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation. -

Which were read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3819 Communication from J.T. Bruecken, Deputy Director, Department of Water, requesting interim approval to purchase chlorine from PB & S Chemical Company at a cost not to exceed \$10,000.00, payable from C.A. No. 1075, Chemicals.

Also,

No. 3820 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to make payment for extra work incurred during the Department of Water water line installation in the West End-Elliott Area, Phase II, at a cost not to exceed \$27,288.20, payable from Capital Budget Account No. WD-81-07.

Also,

No. 3821 Communication from Richard M. Cosentino, Director, Department of Water, requesting interim approval to pay \$1,650.00 for demurrage charges incurred for a railroad car, involved with the delivery of chlorine at

the Water Treatment Plant, payable from Code Account No. 1750, Chemicals.

Which were severally read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3822 Communication from Glenn M. Cannon, Director, Emergency Medical Services, requesting authorization for G.J. Burgman to attend a conference on E.M.S. Management Information Systems in Harrisburg, PA on October 16-18, 1983, at a cost not to exceed \$400.00, payable from C.A. EMSTPP, Emergency Medical Services Third Party Payer Trust Fund. Permission is also requested for use of City vehicle.

Also,

No. 3823 Communication from Glenn M. Cannon, Director, Emergency Medical Services, requesting authorization for Douglas Garretson and Roy Cox to attend the fall conference of the International Society of Fire Service Instructors in Harrisburg, PA on October 26-30, 1983, at a cost not to exceed \$1,000.00, payable from Emergency Medical Services Third Party Payer Trust Fund. Permission is also requested for use of City vehicle.

Which were read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3824 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11 by changing from "R3" Multiple-Family Residence District to "C3" Commercial District all that certain property located on the easterly side of S. Aiken Avenue identified as 463 S. Aiken Avenue being Lot No. 198, Block 51-L in the Allegheny County

Block and Lot System, 8th Ward.

Also,

No. 3825 Resolution amending Resolution No. 306, approved April 18, 1983, authorizing the URA of Pittsburgh to acquire the property owned by the Housing Authority of the City of Pittsburgh in the 26th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lots: 45-M-62, 45-H-257, and 45-H-259.

Also,

No. 3826 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund. Properties in the 5th, 6th, 9th, 10th, 11th, 12th, 13th, 15th, 16th, 18th, 20th, 25th and 26th Wards of the City of Pittsburgh for \$1.00 per lot.

Also,

No. 3827 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund. Properties located in the 6th and 10th Wards of the City of Pittsburgh.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Mr. Robinson for Mr. Stone presented

No. 3828 Resolution authorizing the Mayor to issue and the City Controller to countersign a duplicate warrant to the same payee in the same amount to replace warrant which was lost, stolen or inadvertently destroyed.

Also,

No. 3829 Resolution providing for an Agreement or Agreements with Ruth Law for stenographic reporting services in connection with public hearing(s) and providing for the payment of the cost not to exceed \$1,200.00, payable from C.A. No. 1035, Misc. Services, Commission on Human Relations.

Also,

No. 3830 Resolution providing for an Agreement or Agreements with Lana M. Beyer for stenographic reporting services in connection with public hearing(s) and providing for the payment of the cost not to exceed \$1,500.00, payable from C.A. No. 1035, Misc. Services, Commission on Human Relations.

Also,

No. 3831 Resolution transferring the sum of \$5,000.00 from Code Account No. 1017, Misc. Services, to Code Account No. 1020, Equipment, Mayor's Office.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Robinson for Mr. Stone presented

Bill No. 3832

Report of the Committee on Finance for October 5, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3723

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Casey Company in the amount of Sixteen Thousand (\$16,000.00) Dollars in payment for Extra Work, being in addition to the original contract price of Two Million Eighty Five Thousand Three Hundred Thirty Five (\$2,085,335.00) Dollars on Controller's Contract No. 26111, furnished for the benefit of the City in connection with the Reconstruction of the P. J. McArdle Roadway and Bridge - Phase II, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3724

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Dick Corporation in the amount of Six Hundred Sixty Four (\$664.00) Dollars in payment for Extra Work, being in addition to the original contract price of Two Million Four Hundred Eighty Four Thousand (\$2,484,000.00) Dollars, on Controller's Contract No. 24764, furnished for the benefit of the City in connection with the City of Pittsburgh's Asphalt Plant and other work incidental thereto, without previous authority of

law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3747

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Moore Business Forms, Inc., P.O. Box 7777-W5220, Philadelphia, PA 19175, in the amount of \$518.18 in payment for preliminary work (sample proofs) of the City and School District of Pittsburgh Combined Return for Business Tax - Form-BT-1 Self-Mailer Booklet furnished for the benefit of the City in connection with the collection of taxes; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3748

A Resolution entitled, "Resolution transferring \$28,750.00 from Code Account No. 1063, Miscellaneous Services, Dept. of Finance to Code Account No. 1066, Equipment, Department of Finance.

Which was read.

Michelle Madoff:

On Bill 3748, I think it isn't proper for us to vote for any money for rehabing or doing any work in the Finance Department or any other department until this Council has the adequate space to do a good job for its constituents. We are working in the most congested, inadequate conditions. I personally have been taken care of because I have pounded on Mike's head for about a year; I will have my space. Ben Woods just moved in and took over our meeting room. I'm concerned about the new members of Council, Mr. Wagner and Mr. Grabowski, and other members of Council who do not have adequate space. I don't think we ought to vote one dime for anybody's space until we have space where we can adequately service our constituents.

What's happening now, I had an interview with some people, my aides had to go to another room. You have telephones ringing and there's nobody to answer the phone because you can't talk to somebody in private. If you want to discuss a bill with a Department Head, there's nowhere to talk.

Nobody should work under those conditions and you can't adequately be a good public servant. I would ask my colleagues not to vote for this bill until such time as all of us have adequate space. Being on Council used to be a weigh station; somebody who is a lawyer

or something else stopping over for a few hours a week, working in some other area, helping his own private income. We met in the backroom, decided how you're going to vote, spent twenty minutes in session. It's not like that anymore. We're here working five days a week and many of us are working seven days a week. We need adequate space to work in. I don't want new furniture; I'll take second hand. I donated a lot of furniture to the City.

I really hope that you will not vote for Bill 3748.

The Chair:

That's your opinion and you're entitled to it but I don't want the public to get the idea that we are not allowed to carry out our duties because of lack of space. That's completely unfair.

Michelle Madoff:

I haven't noticed you having an aide, Mr. President.

The Chair:

I'm not going to argue with you but you have a room big enough for everybody on this Council and you're saying you don't have enough room. I don't know what you want.

Michelle Madoff:

I want to be able to function and service and be here and not get all the complaints because nobody else is here working.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. DePasquale
(Pres't)

AYES 6

NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3749

A Resolution entitled, "Resolution providing for the an Agreement with William Mercer, Inc. for actuarial services in connection with the Municipal Pension Fund, the Policemen's Relief and Pension Fund and the Firemen's Relief and Pension Fund, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3750

A Resolution entitled, "Resolution providing for an Agreement or Agreements with William Mercer, Inc., to conduct a comprehensive review of the design and administration of the medical benefit package; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3773

A Resolution entitled, "Resolution transferring \$50,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1825, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Swimming Pool and Skating Rink Division in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3774

A Resolution entitled, "Resolution transferring \$15,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1800-1, Premium Pay, in the Bureau of Administration, General Office, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3798

A Resolution entitled, "Resolution providing for the City Controller to enter into Contract or Contracts with Peat, Marwick, Mitchell and Company for software and software implementation."

Which was read.

Also,

Bill No. 3799

A Resolution entitled, "Resolution providing for the City Controller to

enter into Contract or Contracts, or for the use of existing Contracts, to purchase hardware from Honeywell Information Systems, Inc."

Which was read.

Also,

Bill No. 3800

A Resolution entitled, "Resolution amending Resolution No. 603 effective August 25, 1983, entitled: 'Providing for the filing of an application or applications by the City of Pittsburgh with the Pennsylvania Department of Labor and Industry for a grant or grants in connection with the Job Training Partnership Act Project or Projects; providing for the execution of Grant Contracts and for the filing of requisitions and other data; providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into Agreements authorized by the Job Training Partnership Act; providing that the City of Pittsburgh will be appointed the grant recipient and administrator of the Job Training Partnership Plan; providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signatures; creating special Trust Funds in connection with the Project or Projects; providing for a Contract or Contracts with the Private Industry Council and various agencies/employers for services and programs related to training and employment for the Jobs Training Partnership Act Projects; providing for time to time transfer of funds from and/or among JTPA Trust Funds and CETA Trust Funds; providing for the deposit of the funds in a bank account' in order to reduce the amount provided therein from \$4,000,000.00 to

\$3,010,818.00, and to provide for fund transfer notification by the Director of the Department of Personnel and Civil Service Commission."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3833

Report of the Committee on Public Works for October 5, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3692

A Resolution entitled, "Resolution providing for an Agreement or Agreements between the City of

Pittsburgh and the Port Authority of Allegheny County whereby the Port Authority agrees to assume ownership and maintenance of the Duquesne Incline Footbridge in exchange for the City's acceptance of ownership and maintenance of fences on the designated vehicular bridges."

Which was read.

Also,

Bill No. 3693

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Demolition and Replacement of the Duquesne Incline Footbridge over Carson Street West, including work on private property and other work incidental thereto; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3725

A Resolution entitled, "Resolution taking, appropriating and condemning certain property of David Minnotte and Minnotte Corporation, situated in the 20th Ward, City of Pittsburgh and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3834

Report of the Committee on Supplies for October 5, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3751

A Resolution entitled, "Resolution providing for a Contract or Contracts for the furnishing, delivery, and installation of various office equipment and furniture in connection with the establishment of a new Accounts Receivable Office for the collection of delinquent tax accounts, and the remodeling of the Delinquent Tax Liens Office, Department of Finance; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 3835

Report of the Committee on Water for October 5, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3609

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a Consultant or Consultants for Professional Engineering Services in connection with the painting of the Squirrel Hill and Herron Hill Water Tanks, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3731

A Resolution entitled, "Resolution amending Resolution No. 1385, approved 12/30/82, as amended by Resolution No.

389, approved 5/23/83, entitled: 'Adopting and approving 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 thru 1988 Capital Improvement Program', decreasing the appropriation for line item WD-83-09 and creating new line item WD-83-23."

Which was read.

Also,

Bill No. 3732

A Resolution entitled, "Resolution providing for a Contract or Contracts for Repair of the Cover at McNaugher Reservoir; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens presents

Bill No. 3836 BE IT RESOLVED, that the Council of the City of Pittsburgh appropriate additional money to obtain the services of an outside psychological evaluating team to retest police candidates that failed the psychological portion of the police exam.

Mr. Givens moved to approve the resolution.

Mr. Flaherty seconded the motion.

Mr. Givens:

Mr. President, if I might have a little discussion on this. One must evaluate the trends and what has happened recently within the City of Pittsburgh when it comes down to the police testing and that of the psychological testing and how it is composed and what effects this has upon a particular group of candidates that have taken that test, primarily that of veterans.

In looking at the 1970 list, for example, one can see that, of course it's broken down and we must speak in the terminologies of male, female, white and minorities. So, because of that it's kind of difficult to express exactly what has happened. But to give you an example, I'll stick with one list, I can use two lists and even say that the second list and primarily males are the ones that are affected by this particular decision that happened in the Civil Service Commission when the posted the eligibility scores and who were selected. For example, in 1979, the Civil Service list for eligible police officers, eighteen veterans were selected in the white male list. They went down through fifty white males in that list to get those eighteen veterans. I would have to say that probably the Superintendent of

Police of the City of Pittsburgh, Superintendent Coll, made that selection. That has been the tradition since the veterans have been given a preference going back to World War II.

If we take the case of the Civil Service Commission's eligibility list posted in 1981 and the test administered this past year, we will find that out of 102 people that were considered - and I'm just going down that list - of those, only five veterans were picked and 71 veterans have been passed over. There is a dramatic significant change.

If I look at the black male list just for 1981, it appears that it is in fact discrimination but it's even more blatant. In the black male, there was 181 and the 181st person was considered. Of those, only three veterans were picked upon of that 181 group and 56 veterans, Mr. President, have been passed over.

One in this Council must ask ourself the question, why. Most of these people that have been passed over, they had very high grades without even their ten point veteran preference. Most of them were in 90 plus, the majority of them were above 95 without even having their ten point veterans preference. Talking to the City of Washington, D.C., talking to Philadelphia, talking to Cleveland, police, Civil Service, asking how the veterans are chosen in those particular cities of the last class that they have put on, it was overwhelming that the veterans have been chosen out of their Civil Service Commission list. It appears that only Pittsburgh has some diversity in giving the test to veterans and apparently this then steers into the Psychological Services.

In sitting on some municipalities here in Allegheny County over the past several years, I have had the opportunity

of evaluating police officers both at the police officers level, at the sergeant, lieutenant and captain. What most municipalities do, not only here in Allegheny County but throughout this country of ours, is take the whole man concept. Otherwise, psychological evaluation is part of that whole man process, 25, 30 percent of that total whole person.

The written examination is somewhere between 30 and 40 percent, thus leaving approximately another 30 to 40 percent for the whole person evaluation where that person comes in and gets and receives an appearance before a particular Civil Service Commission and Board. That is the way recommendations are made.

The City of Pittsburgh, from what I have been able to gather in talking to our Civil Service Department, Melanie Smith and Michelle Cunko, is that there was a pass-fail on this particular psychological test. If you failed the test, you were forever damned in the City of Pittsburgh and cannot come back and never again compete for a policeman's examination. Even the 120 some names that went before the Superintendent of Police, 60 of those top people on the Civil Service list were rejected forever. They cannot again, under this particular examination, take this examination.

Time is of the essence. As has been listed on the Civil Service eligibility list, the expiration date on this is October 15, 1983. That's this coming Friday. I feel that there has been an injustice made to our veterans that have served rightfully for this country as all veterans have done. All of us who have been veterans know that when your country calls for you, you don't ask questions. You go out there and the soldiers of World War II did their job. Those of Korea and Viet Nam were no

different. They did the job that their superiors told them to do in the heat of battle, etc. They are veterans and under law, under the law of the Constitution of the United States, under the law of the Constitution of the State of Pennsylvania, under the Personnel Commission of the City of Pittsburgh, the veterans are supposed to, by law, be given preferential rights.

What then, Mr. President, has happened on this last class? Because of that, I've asked for certain resolutions to try to only get to the basis of this problem, not putting the blame on anybody, but trying to say, "What happened here?". The fact that so much of this is covered up and the fact that we cannot get this information, we cannot find out about the 800 questions that were given to the policemen and the policewomen who have taken that particular test. The fact that we can't even get their telephone numbers, the fact that when we ask for certain eligibility lists, etc., they were only given to us within the last couple of weeks, the fact that the stigmatism associated with any of us that have failed a test, let alone a psychological test, has to have certain impact on the citizens and residents of the City of Pittsburgh, not to say the type of caliber of police officer that we want to guard us within the City of Pittsburgh. I would dare say if the citizens of Pittsburgh had the right to say who they would want to secure them in time of panic, in times when their bodies were going to be personally violated, when their property was going to be personally violated, they would want somebody who had experience. This is what veterans normally give any police department throughout this country and for that matter throughout the world.

On this resolution then, Mr. President, we are asking that money be

appropriated from this Council to obtain the services of an outside psychological evaluation team to retest those police candidates that failed the psychological portion of this police examination. I feel that we, in order to serve justice to those people who have been failed and to be assured that this Council in all its wisdom is assuring that the money that we appropriate for these testings is in fact being used properly, that we must go to an outside consultant in order to obtain a just testing on this particular case.

The Chair:

Mr. Givens, if I may. I have two questions. One, obviously you're including everybody, not just the veterans here.

Mr. Givens:

Yes, everyone is involved.

The Chair:

The other one is, if Council did supply the funds to hire a psychologist, then we're going to have the same problems, no doubt, that we had with lawyers because they're always disagreeing. If you have ten, you will get ten different opinions. What happens when the psychologist we hire okays these people and the psychologist that the Administration hires don't? You'll have a heck of a problem. I don't know the answer myself. I would think that the Administration would prevail. I agree with you 100 percent but it's a cock-eyed system that outlaws or eliminate so many candidates. It can't be a fair one and it can't be a right one. Something has to be done. I don't know what the answer is.

Mr. Givens:

I don't know what the answer is either and that's why I have these resolutions upon us to just put everything on a hold pattern right now until this Council who appropriates the money for this Psychological Services, Inc. of Pittsburgh, or anybody else who comes in to evaluate our candidates for police, firemen, or whatever. We appropriate that money. As the appropriator of that money, I just want to be assured that the testing that is done is done in an equitable fashion.

Michelle Madoff:

Mr. President, as you may recall, the issue of the failure of 70 some odd percent on the psychological test was something that I started to address and I'm glad that Councilman Givens, who had also been thinking about it - I think you called for a post agenda at one time - has been addressing the issue.

Mr. Givens:

Tom Flaherty did that.

Michelle Madoff:

All of us. It doesn't matter. We don't need to take credit; we're all in this together because we all care and I think all of Council, most of us, were there at the post agenda.

I think they should be taken in a very chronological order. I think your ideas are good but they're premature. I think Mr. DePasquale raises a very important issue. A gentleman called my office and said, "I failed the test." I said, "Well, I suggest you go out and get a test with another psychologist." He did that and he passed. Now I came up with the same problem that the President raised. What do you do if your

psychologist says that you're okay but ours says that you are not. Who is right? I said, "I would suggest you go and get another one." He did. Both of them say he's qualified.

We ran an ad in the personal column because, justifiable and correctly, there is a certain amount of confidentiality. If somebody fails the test for whatever reason because they are reluctant to draw a gun when they should be or too eager to draw when they shouldn't be, I as a member of this Council and I presume all of us, do not want to be responsible to say that people should be hired when indeed they may not be suitable candidates. We don't want that responsibility if somebody should hurt somebody. We know that nothing is infallible. We know that we have a super police force but occasionally a police officer does not behave in a proper manner. They're no better and no worse than any other member of society. But I don't think we can take that responsibility on ourselves.

I think you have to start at the beginning and since there was confidentiality involved and we could not get the list, I took it upon myself to run an ad in the personal column. It ran most of last week and over Sunday. We have now had 71 responses. The stories we heard are unbelievable stories. The kind of thing that we need to go back and find out is the issue that Councilman Stone has raised. Why do we pay thousands of dollars for psychological and medical exams, have a list available, and then not hire, and the list expires because the Mayor doesn't start a class and those people can't wait to get another job. The young man who went out and paid for two psychological tests at my suggestion paid \$100 each, that's \$200. I'm going to try to get the City to reimburse him. However, that gentleman is taking a job somewhere for

six months and he left Sunday which is why I had him here last Wednesday. People can't sit around forever waiting for jobs. So, we lose the money, the thousands of dollars, on the test that we appropriate because we don't put a class on. That's number one.

Number two, the stories that we've heard are so unbelievable that I prefer that those stories come from the people themselves as opposed to hearsay and opposed to any libel situation.

I would ask, therefore, Mr. President, that you give me a date to set a hearing for the 71 people or those who wish to come and state their case. For example, the kind of stories we're hearing, and I'm not mentioning names, is that somebody took a test and said, "You are not qualified because you would be too timid in pulling a gun." The same person takes the test another time, don't ask me how, and they said, "You're too aggressive." Same person. Somebody was told they couldn't be hired because they had no ghetto experience. Somebody was told they passed the test but we have too many people so we're arbitrarily picking you not to be one of the people that would be selected.

I don't think we should be getting from Michelle Madoff, Councilman Givens, Flaherty or anybody. Let's get it from the horse's mouth. Will you give me a date, as soon as possible? Mike, will you send a letter? We'll give you the 71 names and phone numbers, and let's set a hearing which will essentially say, "Please come and state your case." I would like to have Melanie Smith and Michelle Cunko here so that we can get their ratings. In other words, did they fail because, maybe they passed the psychological they were low on perhaps their physical. One of the women was a nurse who lifts heavy patients, men, out of bed and she was failed because she

could not be physically strong enough. She didn't fail the psychological, she failed the physical. It's absurd.

There's something going on, and as Councilman Givens has said, we need to get to the bottom. Let's hear from the people direct. Do you have any objections to that? Let your veterans be here and let them speak for themselves.

Mr. Givens:

Tomorrow evening at 8:00 in the VFW Post 623 at 825 Western Avenue, there will be a meeting primarily of veterans and others who have been invited to come to that particular meeting to find out what the person's legal rights are.

Why I put these in the preference that I did on this particular resolution is the fact that, as you have so indicated, Michelle, that some people have taken upon their own initiative to go out and to be reevaluated, on two cases and I know of a couple myself. For example on this list, there have been seven Western Penitentiary guards that have passed the psychological test to be a guard in our Penitentiary and now cannot be a police officer of the City of Pittsburgh.

Michelle Madoff:

But we should not be making that evaluation, Councilman Givens.

Mr. Givens:

There's also people on this particular list that have been police officers in other states and other municipalities, recent police officers and in some cases, current police officers in other burroughs and municipalities, that have taken this particular examination, that have moved into the City for the reason of competing for the City of

Pittsburgh's police examination, and have failed this examination.

Michelle Madoff:

We understand the problem. Let's deal with it.

Mr. Givens:

We must evaluate this program. We can evaluate it in a very costly matter by picking out certain individuals at random if need be, and only testing those. We don't have to go back and test everyone. But somehow, somehow, in order to see that justice is served, we must do something to bring an evaluating team in here.

So, Michelle, this is not an untimely request. This is in fact requesting exactly what you're indicating, that we bring in an outside evaluation team to look at these people and we must do it because the expiration date of this particular list is of this Friday.

Michelle Madoff:

We can extend that date.

Mr. Givens:

We cannot extend anything. Only the Administration can extend that particular list. I had asked that last Wednesday and I have not received a reply on it. If they do not then I think you're going to see a lot of American flags in here and several of the 60,000 Viet Nam veterans among other veterans from other wars will be sitting in here asking for a public hearing. It doesn't have to come from Dick Givens or Michelle Madoff. They will be signing their petitions.

Michelle Madoff:

Let's go back to where I was when I was cut off.

The Chair:

Michelle, if I may, I like your idea very much about the hearing but if you don't mind I think you ought to include the psychologists too. I think they owe it to us to come in here and tell us why they're failing all these people.

Michelle Madoff:

Mr. President, let me complete what I was saying. That's exactly what I was going to say. We're on the same wavelength.

What I'm saying, Mr. President, is the one disagreement I have with Councilman Givens, and I know he feels very strongly, you were in the war, he was in the war, and I know he feels very strongly about it --

The Chair:

I haven't looked at a gun since 1945.

Michelle Madoff:

I have been tempted.

This is a serious matter. Let's keep it serious.

My concern with the hearing tomorrow night is that what you may be doing is going out and looking at a class action suit among veterans when in reality you may find out that in certain instances there were good and just reasons for people individually not to be hired and there would be not good and just reasons, there was prejudice in not hiring other people.

I suggest let's have everybody — Mike, I would like to make a motion in place of Councilman Givens' motion —

Mr. Givens:

No. We have a motion on the floor right now.

Michelle Madoff:

We can come back to it. I'm addressing your motion; I'm saying I think that we should, first of all, have a public hearing, we'll go with your motion, but I also want an ad. I paid for my ad; I'm going to bill it to you, Mike, the personal ad, because it's City Council business. But I would like to see an ad, not in the personal column but a display ad, 3 x 5, saying that there will be a hearing, if you have failed either the psychological or the physical test, and we must have, as Mr. President has said, the people who did the psychological testing, the people from Personnel as to why; if they passed, they were dropped over someone else, and it also would not hurt to have the grades here on the people for comparison in case someone failed simply because someone had 99 and they had 98 and you took the person who had 99. I don't think we should deal in a vacuum and I don't think we should jump the gun. I think we are a fact finding body; let's be a fact finding body; let's start with the hearing.

Mrs. Masloff:

Do you think all these people will want to spread all this personal information about themselves publicly?

Michelle Madoff:

Yes. Enough of them will.

Mr. Robinson:

Mr. President and members of

Council, some time ago, I guess about two months ago, we did have a post agenda at which time I had requested that representatives of Pittsburgh Psychological Testing and members of our Civil Service Commission as well as people within our Personnel Department, come to Council and discuss a portion of the issue that Mr. Givens has raised, certainly the issues of those persons who have failed the test, the psychological test, who have felt perhaps they have been dealt with unfairly, the issue of whether or not Pittsburgh Psychological Services should continue to administer the test, and whether or not the Civil Service Commission felt that we were still able to meet our mandated goals as established by Judge Weber.

At that time and subsequent to that, I indicated that I thought that we should discontinue the use of Psychological Services, not because I felt that they did not know how to administer the test, not because they were incompetent, but because the credibility of the process was being threatened and in the process, the credibility of Pittsburgh Psychological. They subsequently sent a letter to us and indicated they would attempt to do what they could to address the problem. It seems to me that they are probably unable to address the problem by themselves and now there are other related issues. I still recommend to this Council and the Administration that we either discontinue the use of Pittsburgh Psychological or that we get them some other professional help so that we can better explain to the public what we're doing in the area of psychological for our police officers and fire personnel and so that we can also begin to more adequately address, perhaps, a bigger issue, and that is, what are we trying to identify in a police officer? What qualities make a police officer adequate in the City of Pittsburgh? We have vet

to address the issue. We have yet to address the issue of what type of firefighters we really want in the City of Pittsburgh. Obviously the psychological component of the test deals with the personality, if you will, of the individual. Some of the personalities may be very adequate for Minneapolis, St. Paul; they might not be adequate for Charleston, West Virginia. Unless we know what type of officer, what type of firefighter we want in this City and really set down some rules and regulations, we are going to continue to have the larger problem of people failing the test and coming to us as a Council feeling that somehow they're inadequate. They're not inadequate; everyone is different. If we want persons who have college educations, then let's say that. If we want people with IO's of 120 and above, then let's say that. Right now we don't know, or at least I don't know, what we really expect of our police officers, what types of individuals we want. It's unfair to the City and it's unfair to the individuals. I would hope that we would, one, try to get some resolution of the issue of what we're looking for and I would hope that we would discontinue Pittsburgh Psychological. They've had the contract for a long time. Their credibility is being damaged and they are going to become ineffective. People who are going to begin to take that test are going to question the validity of Pittsburgh Psychological to administer the test. I don't believe the problem is with them, I believe it is with us. I just hope that Council would begin to maybe look at the larger problem and hopefully we can spare Pittsburgh Psychological embarrassment and also those people who honestly want to serve this City but have been rejected.

Mr. Flaherty:

Mr. President, I agree for the

most part, I suppose, with all of the previous speakers. I believe that we are involved in a real quagmire on the issue of utilizing the services of Psychological Testing Services. But I feel that it is an issue that we have to start or try to amend or improve from now forward. I think we're going to create more problems if we try to view it and try to correct it through the retroactive actions that are proposed here.

For example, I don't believe any speaker has addressed the problem that would occur for the people who passed the examination. It's important to keep in mind that 30 percent of these people passed the examination. If you go back, I think you are blatantly discriminating if you're going to offer this examination again only to those people that failed and then how are you ever going to compare the two examinations? It's going to be like apples and oranges. I think this is a problem that, for the most part, is not worth even attempting to correct through a retroactive measure. I think that we do have to address the immediate problem and I agree wholeheartedly with what Councilman Robinson has said as far as the City retaining the validity of Psychological Services. I know that in the previous post agendas that this Council has had with Psychological Services, I'm of the firm opinion that they have not adequately answered questions from members of this Council. I don't believe that the components as to what makes an ideal police officer are so esoteric that only the Director of Personnel and the Superintendent of Police are permitted to know that information.

I think this is an issue where this City Council is elected by the people of this City and we are asking very legitimate questions. It's about time that Psychological Services, the Director of Personnel, and if need be, the

Superintendent of Police start answering our very legitimate questions.

In closing, I would want to say that I don't think this is an issue bring discrimination against veterans. From the statistics I have, I think there has been discrimination the past few years compared to previous years in regard to minorities and females that are viewed as being qualified. It seems ironic that all of this occurred when the federal court order of Judge Weber came down. There seems to be a correlation between the federal order and this radical changing of results from previous years. So, I think that there are some glaring issues that need to be addressed but I think the current resolution that we have in front of us will present even more problems for us.

Michelle Madoff:

Councilman Flaherty, so many of us have spoken today, I think we're running a lot of the material together and that's very natural because many of us overlap in our thinking. We all want to do something about it; we're trying to grope for a way to do it. I think we're all people of good faith here today.

While I agree with you that we cannot take test of those who have failed because we don't know how it compares with those who have passed - it would be grossly and prejudicial - I disagree with you when you say we should not go back over history. The reason I say that is that I think we are going to learn things that are going to blow the minds of this Council and the public at large. I do not want to speak for the people. While Councilwoman Masloff believes that people will not come and bare their soles in public, I can only rely on my aide, Carmen Gunther, who took the calls for the most part. We had 71 calls and the kind of gut feeling we have is that those

people want to come and report on what happened. It goes beyond just the grading, it goes beyond just the psychological test. There is more going on with the Administration. I think they should have their fair day to say what they have to say. We may find out that we're partially wrong. We may find out the only way to do it is what Councilman Robinson has said, and I think we ought to hear it from the people. We could have a closed session, which I'm opposed to, I want sunshine. We could have a closed session where we just meet with Melanie Smith and Louise Brown and the Administration and the people from Psychological Testing and not have the media there. I will not support that. Therefore, I'm asking again to start from the beginning. The issue is much broader than you think it is. You've known me a long time, Tom, and I don't misrepresent. I'm asking that you have a little faith and trust in me because I have it in Carmen. The stories are beyond what we've heard today and I want the people to tell their own stories. But in order to check the validity of those stories, we must give the Personnel Department a chance to act, interact, and react. I don't think Superintendent Coll plays any role in this. He doesn't choose. It is a personnel problem. It is a testing problem. I want Psychological Services, I want the people who wish to come and bare their souls, if they wish to do that.

I had somebody call me who is a friend of yours, Mr. DePasquale, who is a maitre'd at one of our top restaurants, he said if you were here I'd give you a kiss, not you me, because his son went to criminal college for four years and had one of the highest ratings and that he was not accepted. There may be good and valid reasons and we should not jump the gun. We may have to go right back to square one which is what Mr. Robinson is saying and I think what Councilman

Flaherty is saying but I'm asking, and I have the right as a member of Council, to schedule a hearing. Let's start with that issue. I will not vote for Councilman Givens' bill until then because I think we're going to get into trouble tonight with the veterans because you may be stirring people up where they may find out that that could be an embarrassment if they legitimately, some of them, fail for whatever reason and I don't think we should in any way cast dispersions on anyone. Let's get to the facts.

Mr. Givens:

I have no qualms when I think of veterans when all the veterans who were picked from 1979 back to about 1945, that almost all were veterans. Of the last class in 1979, of 18 that were picked, 18 were veterans. Of the class of 1981 list of Civil Service, of all the veterans that were picked, 71 were passed over, only 5 were picked.

That shows to me that there is a blatant group and I can't see this when I look at other groups that are being looked upon. Only veterans. I can't say it's totally black, it's totally white or it's female. But it male and it is black or minority male, it also is white male because that's the way Judge Weber said that we will hire these particular people.

To get back to Tom's assertion, he is absolutely right. In making resolutions up, sometimes we do not think back as to what happened to the people who are in class. I can tell you if there's a class action suit, any judge can put a restraining order upon this City to hold that particular class or to hold openings in that class or future classes for those who have been passed over. If the court case would come out and if the courts would decide that these people have been handled unjustly, there will have to be

positions made.

I could amend, and I make a motion for amendment at this time, and if you look at that resolution on the last line where it says, "candidates that failed" I'll just take out the word "failed" and "candidates that have taken the psychological portion of the police exam", Civil Service Commission list of 1981. That's the one we're talking about. That will include all the candidates that are presently in the class. By the way, ladies and gentlemen, they are being paid by the state, not by the City of Pittsburgh, while they're in that class for some three, four, five months. They won't even tell me how long they're going to be in that particular class.

Michelle Madoff:

Who pays for the police training?

Mr. Givens:

The state reimburses the City of Pittsburgh while the candidates are in the class.

The Chair:

You mean the money we appropriate isn't used?

Mr. Givens:

The money we appropriate is for police officers when they are placed on duty in the City of Pittsburgh, not while they're in the class.

Michelle Madoff:

You mean I've been lied to again? Imagine the Administration not telling the truth.

The Chair:

Mr. Givens, if I may. In your last sentence, "candidates that failed the psychological portion of the police exam", you're saying you want to change that to the candidates that have "taken". Are you saying you want the candidates who have already passed to go through another test?

Mr. Givens:

I'm making a motion to amend the resolution that Mike has just read that all candidates who have taken the psychological portion of the police examination, Civil Service Commission list of 1981, that's to identify, shall be again reevaluated by an outside consulting team.

The Chair:

And you're including those who have passed?

Mr. Givens:

I'm including everyone because I think Tom brought out a very significant point. There's people who have passed the psychological examination and I must, Mr. President, reach in my wisdom and say, "Is there any wrongdoings here?" That is the question mark that all of us must ask ourselves. If someone is reaching into the Santa Clause bag and saying I'm going to pick candidate X, Y and Z and pass over many other candidates. That is the bottom line that I am looking for. If you want me to say it, I'll say it publicly right now. Veterans are being discriminated against and this Administration is discriminating against them. That is the bottom line. Prove it. It will be proven by your vote here today. I'll guarantee you that.

The Chair:

First of all, you all heard Mr. Givens amendment. Is there a second to that amendment?

There being no second, the amendment fails.

Mr. O'Malley:

I just want to make one short statement. I agree with my colleague, Councilman Flaherty. I don't think it will do any good to go into the past or to dwell on the past. I think it will do more harm than good. I think what we have to do is look forward to the future and in that respect, I agree with my colleague, Councilman Robinson. We have to establish what we expect in a police officer and what we expect in a firefighter. We have to establish a new test that fits the criteria of the City of Pittsburgh and what we expect of these people. Once we establish a new test, in the future we should give everybody the opportunity to take that new test, even the people who, in the past, have failed the previous psychological test. I think once we establish the new test, we should start from square one and give everybody the opportunity to come back in and be retested for the future.

Michelle Madoff:

Mr. President, in order to set a new test, the best way to learn how a test should be set up is to hear from people as to how they've been affected. I still am going ahead with my 71 invitations and I would respectfully ask my colleague, Councilman Givens, to ask his veterans who may be on our list already but if they're not, would you please ask them to come to our hearing and see if they wish to state their case.

Mr. Givens:

I will assure you that they will probably be petitioning the City of Pittsburgh for a public hearing. It will be their public hearing, not Dick Givens' and not Michelle Madoff's.

Michelle Madoff:

It's not mine, it's ours. It's everybody's. Let's not take credit for it; let's all do it together.

The Chair:

Roll call vote.

Mr. Givens:

Mr. President, there has been certain things, let's leave this one go by and we'll catch the next one. That's very interesting. As all of us are Councilpeople elected by the general election process and all of a sudden the rules have been changed in midstream and the ballot box has been stuffed and the recorded vote did not come out in our favor, but we'll wait, Mr. President, until the next time that Council runs so that we can be on that ballot box again. That is what I am hearing and that, I feel, will be a curse to this particular Councilmatic group right here.

Michelle Madoff:

Dick, this is not a political issue.

Mr. Givens:

We cannot go back on this thing; we must stop it in midair, right now. Put it on the shelf and test it and get the correct answers or we are doing an injustice to a great group of people who have served this country and have served it well. My vote is aye.

Michelle Madoff:

Mr. President, while I support the concept and the intent of what Councilman Givens is trying to do, I must vote no because I think it is the wrong approach.

Mrs. Masloff:

I agree with Councilman Flaherty; I think we have to avoid another confrontation with those who have already been selected and I think we ought to make new rules, as has been suggested by Councilman Robinson. I vote no.

Mr. O'Malley:

I vote no for reasons previously given but one more point here is that there's been no proof of any wrongdoings by Psychological Testing Services. I think what we're all saying is that we're just not satisfied with the results of the test that they administer and again I suggest that we come up with a new test, clear the slate, and give everybody an opportunity to take the new test.

Mr. Robinson:

I'm going to vote no and just one last quick comment. I think we need to be very careful with this issue because of the possible ramifications relative to Judge Weber's decision. As Councilman Flaherty alluded to, the "problem" seems to have developed since Judge Weber handed down his decision which was geared towards trying to provide some access for minorities and women into our police and fire department. I don't think we want to do anything that's going to disturb that order without seriously looking at the negative implications. We might do the right thing for the wrong reasons, or the wrong thing for the right reasons. I just would like to caution my

colleagues to handle this in the most professional way possible and let us always be mindful of Judge Weber's decision. In fact, members of Council might want to get copies of that decision to get some perspective on what the City was mandated, ordered, to do relative to our police and fire department.

Mr. Givens:

They won't tell it to you, Bill.

The Chair:

I have no problem with hiring an outside psychologist. My problem, just like most other members of Council, is with the retesting. I'm going to vote no also.

The Chair:

Is there any discussion on the resolution?

And on the question, "Shall the resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

AYES 1

NOES 6

VOTING NO:

Mr. Flaherty

Mr. O'Malley

Michelle Madoff

Mr. Robinson

Mrs. Masloff

Mr. DePasquale
(Pres't)

And a majority of the votes of Council not being in the affirmative, the resolution was defeated.

Michelle Madoff:

Mr. President, will you set a date for my hearing, please, so that I can notify these 71 people? We'll probably have more because the ad ran in the Sunday paper and I would respectfully ask that Councilman Givens invite anybody he wishes to. And if we have that 3 x 5 ad we will have everybody here including veterans, I hope.

Mr. Givens:

I think you'll find the veterans will want to speak for themselves. They'll do it in their own form.

Michelle Madoff:

Mr. Givens, they will speak for themselves. That's what I'm saying.

The Chair:

Mr. Givens, get back on the resolution. Obviously the resolution failed. Your two following resolutions, I think, run into the same problem that Mr. Robinson brought out in regard to the court order quota system.

Mr. Givens:

The court order has nothing to do - The court order has been in effect since about 1970 and all the classes have been put on accordingly. It's only this particular class, Mr. President, that there has been a reversal on the veterans. It's only this class and this class only that there has been a significant reversal upon the veterans that have their veteran preferential point and the government is supposed to serve those honorable veterans and we are not doing it here today. It's very obvious.

Mr. Givens presents

Bill No. 3837 BE IT RESOLVED, that Psychological Services of Pittsburgh not be permitted to administer any more tests to police candidates until they are subjected to a complete evaluation by the Administration.

Mr. Givens moved to approve the resolution.

Mr. O'Malley seconded the motion.

Mr. Givens:

I'd like to say something on behalf of the resolution, please. I think it was obvious, and it came up in the previous discussion on the other motion of Psychological Services not being permitted to administer any more tests until we can find out what has actually happened here. If you can recall, there was a payment made for Psychological Services just weeks ago wherein after this Councilman found out that the 75-80 percent of our citizens of this City have failed the psychological test I refuse to make payment to that service because I didn't feel that we received just compensation for the type of testing that was done. It's irresponsible to think that 75-80 percent of the citizens of the City of Pittsburgh could not be qualified for any position within the City of Pittsburgh.

Mr. Robinson:

Mr. President, I think that we need to appreciate the confidential nature which Psychological Services is doing. I would be somewhat reluctant to compromise them and I would hope that if we decided to evaluate them that that evaluation could be done in a confidential manner. I am not as concerned as perhaps some others here are that everything we do be done in

front of the news media. I think there's a time and a place for everything. If indeed we want to find out about the quality of service that Psychological Service is providing, if we want to find out the quality of the service they are providing to us, I think we are going to have to do it in some confidential fashion.

Michelle Madoff:

We're on two different subjects, Bill. Mine was a hearing of the people.

Mr. Robinson:

No, no, understand what I'm saying. I'm dealing specifically with this resolution to stop the funding, what have you.

I think also the fact that they have already provided these services, it's kind of anti-climatic to now say to them, stop. I think we probably need to terminate them as of the end of the last service that they are giving to us and we can do that in several ways. I think we ought to do it in such a fashion that does not damage their credibility.

Also, I think that if we're going to have any kind of hearings or meetings or additional discussion on this that one of the persons that we need to talk to is former Mayor Pete Flaherty. Former Mayor Flaherty on at least three occasions was requested by community groups and organizations and by Judge Weber to establish a reasonable policy in this City that would allow minorities and women to become firefighters and police officers. For whatever reasons, Mayor Flaherty refused to do that and thus Judge Weber did it for him. I think the Mayor could probably shed some light on the situation that we now find ourselves in because with each passing sentence on this subject, it grows and grows and

grows like a giant amoeba and before we know it, we're going to be back to square one and square one can be, in many instances, identified and explained by former Mayor Pete Flaherty. I think Councilman Flaherty is right on target when he suggests that the "problem" began when Judge Weber issued his order. Judge Weber only issued his order after the Mayor of this City refused, for whatever reasons, to establish some sort of guidelines or some sort of policy that would allow minorities and women to be integrated into the police force and reflected in terms of the population percentages in our City.

Mr. O'Malley:

Mr. Robinson, did you suggest that we request former Mayor Flaherty to come in at a hearing?

Mr. Robinson:

Yes. If we're going to have a public hearing or a post agenda on this general issue, I think it would be very instructive and very helpful to have the former Mayor here.

Michelle Madoff:

What I wanted to respond to was that when you stated that certain things should not be in public and certain things should, when a person is willing to bear their soul, has called my office, there's 71 people, there will be more - Councilman Givens has many, many veterans and he's concerned about them as well he should be and I think he's being a good -

Mr. Givens:

I'm concerned about everyone but I feel the veterans are discriminated here.

Michelle Madoff:

May I finish, Mr. Givens, please?

All I'm saying is that in order to avoid exactly what you're talking about, Mr. Robinson, any sense of prejudice against Psychological Testing, we have to lay a ground work. Why are we even looking at why we want to make a change? If people want to come and tell us their stories, they may be inaccurate stories. They may be accurate stories. Let's start from square one. I agree with you; we need to sit down with the people who administer the test in Detroit, which is very similar to Pittsburgh, where you have diverse mixtures of minorities, maybe Washington, D.C., and find out what kind of test they give and see how our test compares. I agree with you; that should be done in a professional business manner, not "a big hearing for the public" any more than the Administration discusses its business before the media.

But what I'm talking about is people who want to come and talk about why they were rejected by the Psychological Testing and by the physical test and want to state their case. I think that's the first step. If we do it quickly we can get on with the job.

The Chair:

Role call vote.

Mr. Flaherty:

I support the resolution and there isn't any language in the resolution as far as attempting to bar Psychological Services from ever administering any tests. It is simply stated or inferred that this will be a temporary stoppage until Council has the opportunity to really tackle this problem. I think it's obvious that there is a significant amount of

confusion, frustration, and yes, even legitimate criticism put forth by all members of Council. I believe this certainly is not a retroactive action but a prospective action and I think it is the first step that we should be taking and I feel that it is most essential.

Mr. Givens:

The reason I put this motion forward was that, according to the Pittsburgh Psychological Services, Inc., they have been certifying and updating this particular test as it has gone along. From the 1979 Civil Service list until the 1981 Civil Service list, there was an ongoing process of ten years; the test has not significantly changed but the results of those tests have changed. Whether Psychological Services is giving a fail-pass grade on this — Where are they getting their information? Where is the cutoff line? Is the cutoff line a doctor saying that this person is psychologically unfit or he does not fit into a particular profile or the profile that Psychological Services, Inc. has been able to determine over ten years through past experience and reevaluation of those candidates who became police officers and passed the score that now these are the ideal type of police officers. Are we stereotyping, in the City of Pittsburgh, what an ideal police officer is?

I would recommend and suggest, unless the person is psychologically unfit in the terms that we all loosely think of it, schizophrenic and other types of personalities, they are average type people out there and they should be able to work with the average citizens of the City of Pittsburgh. I would hate to see Psychological Services putting upon the police officers of the City and the firefighters of the City of Pittsburgh a stereotyped police officer, a personality A type. We have many personalities out there; we have many people to deal

with. We need aggressive police officers and we need —

The Chair:

That's the purpose of Michelle Madoff's hearing.

Mr. Givens:

Would you leave me finish, Mr. President?

The Chair:

But we've already okayed a hearing and that's the purpose of the hearing.

Mr. Givens:

No, no. She has asked for a hearing. There's other people involved in here. I would like to get finished.

At any rate, I feel that in offering this particular amendment that we would get to the gut issue that everyone has been speaking about here. What is the purpose and what is the cause, in this particular test, of the high percentage of candidates failing? What is it? What are the new guidelines? Who has set these guidelines? Psychological Services? Civil Service Commission? The Mayor of the City of Pittsburgh? The Superintendent of Police? I know he didn't do it because all he received was 120 names. So, I have to go backwards in that process. It has to be the Mayor, it has to be Civil Service. Someone is setting new criteria. Yes, let's get at that criteria. For that reason and that reason alone, I ask that we reevaluate what is already been done. Has there been an injustice? And secondly that we hold on this particular firm which bid, as any other firm might bid on it, and we hold this firm until such time as this matter is clear. I vote aye.

The Chair:

I was only trying to say that this is what is going to be brought out at the hearing. That's all I was trying to say.

Michelle Madoff:

Mr. President, the resolution states, "Be it resolved that Psychological Services not be permitted to administer any more tests to police candidates until they are subjected to a complete evaluation by the Administration." They already did that. They had snowed us at a post agenda. That is why I will not vote for the bill. Maybe if you amended it to say, "by the Administration and City Council" then I would be more inclined to vote for it.

I would like to ask you to hold the bill until after the hearing. Then I would probably see my way clear.

The problem, as Councilman Givens has just pointed out, is the only one who can administer is the Administration. But if they're going to make the evaluation on what is a good psychological test, they're going to rehire the same people anyway so this becomes moot and therefore, until we have the hearing, I will abstain from voting.

The Chair:

I vote no for the very reason I stated earlier. I feel that the hearing will bring all these facts out and will serve that purpose rather than the resolution.

The Chair:

Is there any further discussion on the resolution?

And on the question, "Shall the

resolution pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. O'Malley
Mr. Givens

AYES 3 NOES 3

VOTING NO:

Mrs. Masloff Mr. DePasquale
Mr. Robinson (Pres't)

(MICHELLE MADOFF ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the resolution was defeated.

Mr. Givens presents

Bill No. 3838 Be it resolved that the present list of police officer candidates not be taken down until such time that it expires or until any legal objections to the police exam are resolved by the courts or the Personnel Appeals Board.

Mr. Givens moved to approve the resolution.

Michelle Madoff seconded the motion.

Mr. Givens:

Mr. President, it's very critical. The list is supposed to come down this Friday and, of course, this is again a prerogative of the Administration. What this Council is asking is that that list not expire on October 15, 1983, that it remain up there until such a time as these deliberations, public hearings, scrutiny by the individual people who have been passed over, has been

weighted and this Council concludes its investigation.

The Chair:

If I may, Mr. Givens, under the quota system, if I recall, there's four groups; white males, white females, black males and black females. Obviously, the largest group is the white males. Time and again, they exhaust the black males, black females and white females and have quite a large list of white males. What you are saying is that you want that white male list to remain up —

Mr. Givens:

No. I'm saying is —

The Chair:

The list is going to expire the moment they get their quota. You're saying, keep that list up. Then you're going to direct opposition to the court mandated quota system.

Mr. Givens:

I'm saying that the Civil Service Commission eligibility list, posted October 16, 1981, remain in fact active until this thing is finished. That includes all four groups of these people. All four groups.

Michelle Madoff:

The President has explained to you that we've used those up. We don't have people in the black and the female lists anymore, therefore, they're not taking people from the white list. What I'm saying is, since it costs us so much money to get the list, I agree with you, let's keep the list but let the personnel go out and form a list of blacks and women to add to the list but let's not

throw the good money we spent on getting this existing list out again because people will go take other jobs. So, let's keep the list and let's supply an additional list of females and minorities.

Mr. Givens:

No, no, I have to say that the amendment would be this. "The list" and insert there "of 1981 police officer candidates". That's all you have to say.

Michelle Madoff:

But it doesn't stand on its own. You have to add to the list. You can't pick any of the white males unless you have females and minorities.

Mr. Givens:

I'll make an amendment and the amendment would be that the present list of 1981 of police officer candidates, that includes all, we don't have to assume that one list will remain up and the other will be taken down.

The Chair:

Is there a second to the amendment?

Michelle Madoff:

Which amendment are we talking about now? There are two amendments on the floor.

Mr. Givens:

No, there's one resolution and there's one amendment that, "Be it resolved that the present list of all 1981 police officer candidates not be taken down until such time that it expires or until any legal objections to the police exam are resolved by the courts."

Michelle Madoff:

That could be three years.

The Chair:

There being no second, the amendment fails.

Now we're going to have a role call vote on the resolution itself.

Mr. Flaherty:

I vote no because it's speculative and more importantly the language in regard to the legal objections is completely out of line because there has not been any objections filed yet. How can you address something that hasn't occurred yet?

Mr. Givens:

I vote aye and I think what Mr. Flaherty is trying to say is that this list, by law, can remain up until 1984, October 16, 1984. The Administration has the prerogative of pulling that total list or a proportion of it down. My amendment was to all of 1981 Civil Service list. That's why I made that motion and the fact is that it is knowing that right now I am aware because I have received phone calls and there is legal objections to this particular class, that many people did not start this until they felt this Council was taking some initiative on their own to fight for their particular cause. When you know that you have been stigmatized, you are kind of reluctant to act.

Michelle Madoff:

Because of the court ruling, and unless the Mayor were willing to authorize the Personnel Directors to go out and meet the court order of having additional lists of minorities and females

which are now depleted, if I were to vote for this bill then I would only be freezing white males in place and that would be in violation of the court order. So, I would like again to hold on all these bills until after the hearing.

Mr. Robinson:

I'm going to vote no for four very specific reasons. One, Judge Weber's decision still is in effect.

Secondly, time is of the essence in terms of the present list and I don't think we should do anything to disturb that process.

Thirdly, I think the Personnel Department has said on several occasions that they are having some difficulties recruiting minority males. I think they probably need to improve and reevaluate their procedures. They may even need some additional professional help in that regard because there certainly are some special problems there.

Fourth, this Council approved a resolution not to disturb Judge Weber's decision, that until we had a finding of facts by the City's Human Relations Commission that indeed there was some need for us to disturb that decision.

Also let me remind my colleagues that in both the cities of Boston and New Orleans the cities have been involved in some efforts to deal with the issue of quotas, preferential treatment, what have you. It is a very sticky kind of issue but the resolution that we passed, I think, was a recognition that here in the City of Pittsburgh we would not initiate any efforts to reverse Judge Weber's decision to attempt to help us improve the number of minorities and women on our police department and fire department.

Again, I would strongly urge that former Mayor Flaherty be here for any hearings or any post agendas that we have on this issue. I have to vote no.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

AYES 1 NOES 6

VOTING NO:

Mr. Flaherty	Mr. O'Malley
Michelle Madoff	Mr. Robinson
Mrs. Masloff	Mr. DePasquale
	(Pres't)

And a majority of the votes of Council not being in the affirmative, the resolution was defeated.

Mr. Robinson:

Mr. President and members of Council, if I might. I'd like to just make a couple quick comments on Council Bill 3781 which was introduced into Council on October 3, 1983. This is the bill that deals with limiting the consecutive terms of members of Council. Hopefully what I'm going to say will give members of Council some reassurance in terms of my motivation and my purpose in introducing that bill.

Bill 3781 is intended to address three issues:

One, the consecutive terms of office for the Mayor of the City of Pittsburgh and members of Pittsburgh City Council.

Two, the systematic infusion of new talent, ideas and opportunities for service in elective office for residents of our City.

Three, the changing political governmental processes that have traditionally assured the equitable distribution of elective offices at the local level, among varying groups of people and geographic locales.

The social demographic and economic fabric of our community is changing. Such prestigious community minded organizations as the Allegheny Conference on Community Development have already begun the process of drafting plans to address this City and Allegheny County's future.

While I am sure those plans will speak specifically to our most important and immediate economic and social needs, I am also cognizant of the fact that Pittsburgh and Allegheny County have political governmental needs.

I am also very mindful that nearly one quarter of this City's population is non-white and nearly ten percent of this County's population is non-white. Yet the political governmental reality is that from a practical and structural standpoint there simply is not adequate or representative participation by non-whites.

One can argue the merits of any specific proposed structural change. But the inevitable conclusion that structural changes in government do reflect in the political arena and vice versa, begs to be recognized.

The time is now to again consider change and I ask your thoughtful consideration of Council Bill 3781 and its potential to generate broader participation in the decision making process by minorities and the improvement of representative government in Pittsburgh and Allegheny County.

The Chair:

Mr. Robinson, you're obviously aware that needs a change in the Home Rule Charter.

Mr. Robinson:

I'll comment on that Wednesday, Mr. President.

The Chair:

Okay.

Mrs. Masloff moved to excuse Mr. Stone and Mr. Woods for absence from the meeting.

Mr. Givens seconded the motion.

Which motion prevailed.

Mrs. Masloff moved to approve the minutes of Monday, September 26, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, October 17, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Our first order of business is a resolution by Councilwoman Madoff.

Michelle Madoff:

Would Ruth Friedman, Marjorie Greenberg and Shirley Levine please step forward?

We have a very important resolution today.

Michelle Madoff presents

Bill No. 3869 WHEREAS, the devastation of nuclear war renders it meaningless for any nation to contemplate "winning" such a confrontation, or to consider seriously the concept that humanity can survive a nuclear catastrophe; and

WHEREAS, the National Council of Jewish Women advocates a United States Foreign Policy which seeks worldwide elimination of all testing, deployment, sale and use of nuclear weapons, and which supports efforts to achieve an international, verifiable freeze on nuclear armaments; and

WHEREAS, the National Council of Jewish Women, Pittsburgh Section, will present a program on "Nuclear Responsibility" on October 18, 1983, at Anathan House in Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh do hereby recognize that nuclear arms limitation is the moral imperative of our time, and declare the week of October 17, 1983, through October 22, 1983,

"Nuclear Awareness Week" in Pittsburgh.

Michelle Madoff moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

I'm sure this won't be the first or the last. As you may recall, this Council, and the bill I introduced, was the first Council in the United States to ask for nuclear disarmament when Mr. Reagan was meeting in Russia. I think it might be interesting to hear from the ladies for the Council of Jewish Women.

Shirley Levine:

I am representing Elizabeth Feingold, the President of the Pittsburgh section who is not able to be here today.

We are very grateful and appreciative of this Council's resolution on this very important subject which we have been actively pursuing for a number of years. We hope and trust that this will bring the need for such action to the community and to communities around the country. People are just waking up and it's high time.

Thank you very much.

Michelle Madoff:

The request was made that we send a copy of our resolution to the President of the United States and the leaders of the Congress and the Senate.

The Chair:

Thank you and congratulations.

Mr. Givens and Mr. O'Malley present

Bill No. 3867 WHEREAS, the members of the Division 11 of the Ladies Auxiliary of the Ancient Order of Hibernians will honor Sara Madigan at a dinner on October 15, 1983; and

WHEREAS, the dinner is in appreciation for more than three decades of involvement in all aspects of the Irish-American community in the City of Pittsburgh; and

WHEREAS, among Sara's numerous services and activities, she has, for many years, been an officer of the Ladies Auxiliary, is the current State President, an active participant in community and political activities, a lifelong active member of Saint Agnes Church in Oakland, and a pioneer in the rebirth of the annual Saint Patrick's Day Parade; and

WHEREAS, she has six children, Peggy, Mary, Martina, Patrick, Michael and Marty, and six grandchildren; and

WHEREAS, Sara Madigan's concern for spiritual and social well being has enriched the lives of many.

NOW, THEREFORE,

BE IT RESOLVED, that the members of the Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh, hereby join with the Ladies Auxiliary of the Ancient Order of Hibernians in extending commendation and gratitude to Sara Madigan for her dedication, devotion and service to mankind and for enriching the dignity and pride of the City's Irish community and the entire City of Pittsburgh.

Mr. O'Malley moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair:

Sara, would you come up here, please?

Mr. O'Malley:

I'd just like to say a few words. It is an honor to jointly sponsor a resolution with Councilman Givens, especially in the honor of Sara Madigan. I've known Sara and her family for many years and as far as I'm concerned she's one of the great ladies of the City of Pittsburgh and largely responsible for me getting involved in politics and being elected to City Council. As I said, for the thirty years that Sara has been involved in politics, she's done so much for so many people and she's asked so little in return. It's truly an honor for me to stand up and present her with this resolution from City Council.

Sara Madigan:

I am most grateful. Truly, this is a real honor to be among my friends.

Michelle Madoff:

Besides, I'm doubly please that you're female.

Sara Madigan:

Thank you.

The Chair:

Is that all you're going to say, Sara?

Sara Madigan:

Oh, I could say a lot.

The Chair:

Jim neglected to say that for years, and even today, Sara is known as Mrs. Democrat in the Fourth Ward and throughout the City of Pittsburgh. It's been a pleasure to have known her all these years. I won't say how long Sara and I have known each other but it goes back a few years.

Congratulations again, Sara, and the Madigan family. It's nice to have you here.

Mr. Givens:

Councilmembers, I'm sorry for my lateness here today but I would like some remarks on Resolution No. 902 where we had honored Sara Madigan and her family.

If one could have been out at Saint Agnes's Church, the Mass, during the Mass and after the Mass in their reception hall, it was a beautiful outpouring of the predominantly Irish community but many other people who were involved with Sara and her total career with the various parties that she represents, the Democratic party and the Irish community and that of her almost three decades of public service.

Thank you, Mr. President.

Mr. O'Malley presents

Bill No. 3870 WHEREAS, the Pennsylvania Lupus Foundation, Incorporated, has a long distinguished record of public service since being chartered in October of 1973; and

WHEREAS, the purpose of the Foundation is to promote and encourage research, enlighten the general public, to render voluntary aid and assistance for research relative to lupus erythematosus;

and

WHEREAS, more than five thousand persons have been serviced by the Foundation; and

WHEREAS, thousands of women across this great nation are the major victims of this devastating, chronic disease that attacks the connective tissues and the body's immunity system.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the members of the Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh, recognize the week of October 17, 1983 through October 22, 1983 as Lupus Awareness Week throughout the City of Pittsburgh.

Mr. O'Malley moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Givens, Michelle Madoff and Mr. DePasquale present

Bill No. 3868 WHEREAS, the Pennsylvania House of Representatives has before it House Bill 598, which is a proposal to increase the tax on out of state Fire Insurance Companies; and

WHEREAS, this increase would generate an additional \$11 million for the State's Fire Relief and Pension Fund; and

WHEREAS, this Council believes that this increase is necessary to off-set the ever increasing cost of living.

NOW, THEREFORE,

BE IT RESOLVED, that the

Council of the City of Pittsburgh hereby supports the measures set forth in House Bill 598, and strongly encourages the Pennsylvania House of Representatives to support and work for its passage.

Michelle Madoff moved to adopt the resolution

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Givens presented

No. 3840 Petition from Veterans of United States Military requesting a public hearing before City Council to express their views on the psychological portion of the Pittsburgh Police exam, and to discuss the Civil Service Commissions rules and regulations regarding the testing of Police candidates.

Which was read and referred to the Committee on Finance.

Michelle Madoff:

There's a notice, Mike Perry's done a superb job, even I caught it and I didn't need my glasses, but there's a public notice, City of Pittsburgh, and there is a lead story in the Sunday paper that says that Councilmembers Richard E. Givens and Michelle Madoff have questions of validity in the psychological test.

I think we're all questioning the test but I think the record has to be set straight. I made a point and you supported me, sir, of saying that we are not saying the test is valid or invalid until we get the facts. The purpose of the hearing is to get the facts. I don't want to be painted with the same brush. As Mr. Givens is saying this is discriminatory, I don't know that until we

have the 90 odd people either represented by their letters or the numbers of people who are going to come here. My issue goes beyond the psychological test and those who have not passed the test. It goes to what is going on in the hiring, the Personnel Department and in the Administration of this City. We're going to show that people passed the test and were not hired. They passed and were not hired, Mr. President. We're going to find out what is going on. We don't know what is going on and I don't think any sensible member of this Council, present company included, sensible members of this Council would ever say that this was a test that was not effective until we had some expertise here. There will be a psychologist, head of environmental health and some psychiatrists here on the 27th to testify as to why they believe the test is invalid. They are qualified to do it; I am not. And I think that a number of my colleagues have expressed that opinion. We are not having an attack on Psychological Testing; we want to hear from the people who feel they have been discriminated against in more than one way, not just in the fact that they failed the test but in that they passed it and weren't hired.

Your position and mine, Mr. President, is that we just want to get the facts and then make some follow up actions based on that and I resent having the paper imply that I am opposed to the test. Then you get Coll coming out and saying, "We need the test because that keeps us from the liability factor." Of course we want a test that's sensible and logical. Not one member of this Council would oppose that. We just want to get the facts. And already we've heard from 95 people. I really want to be emphatic on that.

Mr. Woods:

Mr. President, I have one question. Michelle, did you say that along with the people who want to testify there is a group of doctors coming in here saying that this test is not a good test?

Michelle Madoff:

That's what I said. I don't know whether it's good or bad.

Mr. Woods:

Okay but what I'm asking is, have they been invited?

Michelle Madoff:

Yes, I invited them. It's my hearing.

Mr. Woods:

Then can we in turn invite people who give the test to say it is a good test? If this is going to be a public hearing, we on Council should hear from both sides.

Michelle Madoff:

Mr. Woods, you were away. Let me bring you up to date. We've invited everybody. We've invited Psychological Testing, Melanie Smith, Michelle Cunko who has played a very important role, and somebody who wants to sit at the table with us will be Pat McNamara, he has some very strong feelings. I got a call yesterday on my answering service because I have a 24 hour answering service, from a physician who said, "I read the story; we are directly involved with that particular and my colleagues have been doing a study on that particular test that has been given for the police and they use it for Three Mile

Island, people who would be equipped to go in Three Mile Island.

Mr. Woods:

That's fine. All I'm asking is that people from both sides of the issue will be involved.

The Chair:

We're inviting independent psychologists and those who gave the tests.

Michelle Madoff:

I didn't invite them, they called me. I did not know who they were.

Mr. Perry:

Do you want me to expand it for everyone?

Michelle Madoff:

Mike, we already have people coming.

Mr. Perry:

The notice doesn't read that way, Michelle.

Michelle Madoff:

The notice says there's going to be a hearing. Somebody called and said they wanted to come and testify at the hearing based on the test. They have the right to do that. I don't know this gentleman.

Mr. Woods:

I have not seen the ad. Does it say just for veterans who did not pass or anyone who did not pass the test?

The Chair:

This is for all that failed the test. Some are saying they passed the test and didn't go on.

Michelle Madoff:

Mr. Givens wanted one for veterans but they already called the office and most of them are scheduled already and we've invited Mr. Givens to bring the rest of the veterans in and get them scheduled. With the physicians we're going to have to work on the time frame at their convenience.

Mr. Flaherty:

Mr. President, in regard to the hearing scheduled for the 27th, I have received a few calls from interested individuals who have questions and one person especially has some, it seems to me, legitimate criticisms as far as —

The Chair:

Excuse me, Mr. Flaherty. Not to cut you off, Tom, but anybody who calls and wants to come in and anybody you want to come in, why don't you inform the Chief Clerk.

Mr. Flaherty:

The only thing that I want to add is that I was wondering if we could extend the scope of the public hearing where interested parties could address questions as far as requirements in general, as far as the recruitment that is going on of police officers because there have been somewhat dramatic changes. For example, at one time there was a requirement that you needed at least a high school degree or the GED equivalency. That has been dropped. At one time there was recruitment on our colleges campuses. It's my understanding

that is no longer happening. I think there have been a lot of changes that Council has not necessarily been made aware of. So, if there isn't any opposition from members of Council, I was wondering if we could run another ad that would just add a few more words just to make this hearing broader in scope.

Michelle Madoff:

I think you'll agree with me as to why we cannot do that. There are 95 people already. If you give them five minutes and you're going to want to ask questions, we want to hear just from the public at the first hearing. The second hearing was the one, I think, suggested by Councilman O'Malley that once we know some of the facts we then start addressing what's wrong with the test, if indeed we feel there's something wrong. That would be the second hearing. There will have to be a second hearing.

Mr. Flaherty:

I think questions concerning requirements and recruitment and background investigations are all part of the —

Michelle Madoff:

But we don't want to spend the whole day and not hear the people who are getting here. And the reporters have said, "I bet you ten to one we won't hear from anybody until 2:00." We're going to hear from the doctors who read the ad and want to come in and comment on the test. We're going to hear from the people. Then we as a body are going to schedule another hearing to get to the bottom of what's going on. That's the second hearing.

Mr. Flaherty:

But how about the people who

have questions as far as requirements and recruitment?

Michelle Madoff:

They can ask that and they can come back to the second hearing.

Mr. Flaherty:

What I'm saying is why can't we just expand the scope of the ad because I've had calls from people and the way —

The Chair:

Michelle and Tom, if I may. There's really no problem with what he's saying. The only problem we might have, and you hit the nail on the head a while ago, is if we make it a Council forum instead of a public forum. Please, let's hear from those people coming in because it's going to take some time. But I don't see that there's any problem or objection to widening the scope and having these other parties. It's going to take a couple of days anyway.

Michelle Madoff:

Mr. DePasquale, we've talked about it and we're probably going to run into Friday. I would like to do what you're talking about which is getting to the gut of the test, where we're recruiting, why the test this year is giving different results than it is elsewhere, have the input of the Psychological people as to their listening and making some evaluations of what they hear. Let's be on a fact finding body and do it responsibly.

Mr. Flaherty:

Why can't we do it all at once rather than having another —

Michelle Madoff:

You can't because people will not sit here for 48 hours.

The Chair:

I made it plain. Anybody who has any persons they want involved, notify the Clerk, he'll notify them. Okay?

Mr. Flaherty:

Are we going to have another ad, Mike?

The Chair:

We'll run it.

Mr. Flaherty:

I heard from an individual that had passed the psychological exam but he wants to come in to testify but the way the ad read is that it's only those who failed the psychological exam.

The Chair:

Tom, get together with Mike and straighten it out.

Mr. Flaherty:

Okay.

Mr. Givens:

I'm speaking for a particular group of people who I think are the majority of the people who have problems in this particular area. I don't think it's their particular strategy to come in here and have some 120 some veterans give their particular story. What they will be doing, from what they have told me, is they will be highlighting certain individuals and coming in with certain recommendations to be made.

The Chair:

Why don't they decide that among themselves who they want to speak and who not to speak. It's as simple as that. Obviously if we hear from 100 we're going to hear 50 or 75 duplicate stories.

Mr. Givens:

Well, you'll be hearing from everyone who was passed over in a class and I think that's repetitious and I think in our previous Council meetings we have asked that this not be repetitious. I think that you'll find that the veterans will be coming in with very concise, point by point descriptions with some people actually giving their verbatim testimony and those who so desire. We're not saying that no one cannot if they so desire to do so. But they have some major points to bring out and naturally Council —

The Chair:

Mr. Givens, do they have a spokesman, someone you can deal with to tell them to do exactly what you're saying now, to limit their speakers and to bring everything out in the open at the same time and not to repeat themselves?

Mr. Givens:

Most certainly. They will have a spokesperson —

Michelle Madoff:

Mr. DePasquale, may I wind this up? I asked you for a hearing; you granted me a hearing graciously. The reason I'm having a hearing is the people who answered my personal ad in the paper because of the confidentiality and the only time you can talk about it is if they give you permission to do it. These people do not know each other. These

people are either going to send a letter

The Chair:

I understand that, Michelle, but if there's any other party who feels that they have an interest here and want to come in and speak, we can't deny them that right.

Michelle Madoff:

Exactly and I'm just saying let's not mix apples and oranges on the same day. Let's hear the people and then decide what kind of follow up hearings we need. And I'm chairing that hearing.

Also,

No. 3841 Resolution providing for the letting of a Contract or Contracts or for the use of existing Contracts for the purchase of vehicles and for equipment for use by the Bureau of Cable Communications, Dept. of Public Works, in connection with the regulation and utilization of the City of Pittsburgh's Cable Communications System, at a cost not to exceed \$35,000.00 chargeable to and payable from Code Account 1661, Misc. Services, Supplies, Repairs, Materials and Equipment, Bureau of Cable Communications, Dept. of Public Works.

Also,

No. 3842 Resolution providing for authorization to enter into a Supplemental Agreement to Contract #26287 dated April 28, 1983 with Williams/Trebilcock/Whitehead for additional work in conjunction with the Design and Construction Contract Administration of Renovations to Portions of the 9th Floor, City-County Building for use by the Bureau of Cable Communications, Dept. of Public Works,

in connection with the regulation and utilization of the City of Pittsburgh's Cable Communications System, at a cost not to exceed \$29,925.00 chargeable to and payable from the Community Communications Trust Fund (CCTF), Bureau of Cable Communications, Dept. of Public Works.

Also,

No. 3843 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to J-Jac Construction Company for an Emergency Sewer Contract in connection with the collapsed sewer within the right-of-way on Exchange Way between 8th Street and 9th Street in the 2nd Ward of the City of Pittsburgh, at a cost not to exceed \$81,000.00 payable from Code Account PW-83-17, Sanitary Sewers in Various Locations. Prior approval by Council letter dated June 29, 1983, for a cost not to exceed \$15,000.00.

Also,

No. 3844 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Anthony Kubit and Matthew Walsh to attend the annual meeting of the Institute of Transportation Engineers in Timonium, Maryland on October 6-7, 1983, at a cost not to exceed \$450.00 payable from Code Account No. 1502, Misc. Services, Director's Office, Dept. of Public Works. Prior approval granted by Council letter dated October 4, 1983.

Also,

No. 3845 Communication from James N. Walker, Director, Dept. of Environmental Services, requesting authorization for Carl Brown and Lois Dowden to attend the Animal Control Academy in Panama City, Florida,

November 7-18, 1983, at a cost not to exceed \$2,700.00 payable from the Animal Welfare Trust Fund, Dept. of Environmental Services.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3846 Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$17,041.50 in payment for purchase of Chlorine, chargeable to and payable from Code Account No. 1750, Chemicals.

Which was read and referred to the Committee on Finance.

Also,

No. 3847 Resolution providing for a Contract or Contracts for the Purchase of Pulse Duration Instrumentation Replacement of Existing 48" and 96" Raw Water Lines at Ross Pumping Station, at a cost not to exceed \$14,800.00 chargeable to and payable from Capital Budget Account No. WD-83-04 (4-05-06-0100), Dept. of Water.

Also,

No. 3848 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment of \$804.00, to General Electric Drive Systems for replacement of power factor solid state boards, payable from Code Account No. 1705, Repairs.

Also,

No. 3849 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to install a new 8" water line in Calvin

Street between 42nd and 44th Street, at a cost not to exceed \$27,648.00 payable from Capital Budget Account No. WD-83-09, Water Line Work In Conjunction With Resurfacing, Sewer & Other Misc. Projects.

Also,

No. 3850 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment for the repair of a power pack unit used at the Meter Shop, at a cost not to exceed \$344.00 payable from Code Account No. 1705, Repairs.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 3851 Resolution authorizing the issuance of a warrant in favor of Tedesco Landscape Contracting Corp. in the amount of \$6,300.00 in payment for landscape work at South Side Riverfront Park, chargeable to and payable from South Side Riverfront Park Trust Fund SRP, Dept. of Parks and Recreation. Prior approval granted by Council Bill No. 3606, dated September 15, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 3852 Resolution amending Res. No. 1136, eff. 11/19/81 entitled: "Providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the design of Paulson Pool and Bathhouse," by reducing the amount from \$2,300.00 to \$2,290.00 chargeable to and payable from Project Code 4-10-05-1320-75-31-75-10 (75 CDPR), Dept. of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3853 Resolution authorizing a professional study of the Pittsburgh Departments of Police, Fire, and Emergency Medical Services, and make appropriate recommendations to City Council and the Office of the Mayor as to the feasibility of implementing a Physical Fitness Program at a cost not to exceed \$12,000.00 chargeable to Accounts Payable for Code Account 1447, Misc. Services, Dept. of Police; and transferring the sum of \$12,000.00 from Code Account 10, Accounts Payable Prior Years, to Code Account No. 1447, Misc. Services, Dept. of Police.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3854 Resolution approving the Herr's Island Redevelopment Proposal, dated October, 1983, including the Redevelopment Area Plan, for Redevelopment Activities in Redevelopment Area No. 45 and Redevelopment Area No. 48 in the 24th Ward of the City of Pittsburgh.

Michelle Madoff:

Aren't we spreading ourselves a little thin? We're not spending any money developing, are we? We're all over the City.

Mr. Robinson:

This is a project that has been in development for at least six years.

Michelle Madoff:

I know but is that where the toxic waste was? Is that where the toxic waste had to be cleaned up?

Mr. Robinson:

I don't believe on Herr's Island. But this is a continuing project and it's necessary for us now to move forward to get some additional monies and to update the plan.

Also,

No. 3855 Resolution authorizing the Mayor, the Director of the Dept. of City Planning, the Director of the Dept. of Parks and Recreation, the Director of the Dept. of Public Works, the Director of the Dept. of Lands and Buildings and the Director of the Dept. of Water, for and on behalf of the City of Pgh., to enter into a 5th Amendatory Cooperation Agreement with the URA of Pgh. for the Redevelopment of Herr's Island Redevelopment Area Project, being Redevelopment Areas No. 45 and 48 located in the 24th Ward, City of Pgh., providing for the vacation of certain rights of way, the conveyance to the authority of 'certain property and vacated rights of way, the acceptance of a public park, changes in zoning, and non-discrimination in the use of public facilities.

Also,

No. 3856 Resolution approving a Conditional Use under Section 993.01(a)44 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for 3501 LIBERTY AVENUE, by the Whale's Tale, as a Group Care Facility, 6th Ward.

Also,

No. 3857 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting authorization for himself to attend the Urban Design Conference in Washington, D.C. on October 26-29, 1983, at a cost not to exceed \$525.00 payable from Code Account No. CDPA 1982, 4-35-01-0001-82-49-82-35. (PRIOR APPROVAL GRANTED)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing consideration of a bills only until or after the 9th calendar day following the meeting in which the bills were introduced so they will be on the Agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 3858 Resolution providing for an Agreement or Agreements with Homewood-Brushton Chamber of Commerce Athletic Club, Inc. for professional services relative to their Sports Program at a cost not to exceed \$10,000.00 chargeable to and payable from Code Account No. 1838, Misc: Services, Parks and Recreation; and transferring \$10,000.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1838, Misc. Services, Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Robinson moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the

Agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Mr. Stone presented

No. 3859 Resolution providing for the filing of an application or applications by the City of Pgh. with the Urban Consortium Energy Task Force for a grant in the amount of \$64,000.00 in connection with the Energy Conservation Projects Model Decision Process Project; providing for the execution of an Amendment of Grant Contract; providing for required assurances; providing for the deposit of the funds in a bank account of a Special Trust Fund; and upon approval thereof, for an agreement or agreements with a consultant or consultants for services in conjunction therewith and providing for the payment of the cost thereof. No city funds are required for this grant.

Which was read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing consideration of a bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the Agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3860 Resolution authorizing the Director of Finance to create a special payroll for employees in Controller's Office in lieu of compensatory time as per the out of court settlement in reference to computer system at a cost not to exceed

\$18,646.12 chargeable to and payable from C.F.M.I.S., Controller's Financial Management Information System for the following employees: Fred Brenner \$16,195.20, Lois Brown \$1,296.68, David Kretz \$1,120.24, Cheri Smith \$34.00.

Also,

No. 3861 Communication from John E. McGrady, City Controller, submitting a performance audit of the Public Property Management System, as prepared by auditors from the City Controller's Office. Included in this report are the audit replies from the Directors of Lands and Buildings, Finance and Planning.

Which were read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3862

Report of the Committee on Finance for October 12, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3764

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Carl J. Long and Associates, in the amount of Two Thousand Eight Hundred Seventy Four Dollars and Twenty Eight Cents (\$2,874.28) in payment for Professional Engineering Services furnished for the benefit of the City in connection with the Street Lighting Study in the City of Pittsburgh;

and providing for the payment thereof."

Which was read.

Also,

Bill No. 3765

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Casey Company in the amount of Forty Three Thousand Three Hundred Fifty Two Dollars and Twenty Two Cents (\$43,352.22) in payment for Extra Work, being in addition to the original contract price of Five Hundred Forty Six Thousand One Hundred Fifty (\$546,150.00) Dollars on Controller's Contract No. 25958 and 25958F, furnished for the benefit of the City in connection with the Reconstruction of the Steuben Street Wall, without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the

bills passed finally.

Also,

Bill No. 3772

A Resolution entitled, "Resolution transferring \$7,500.00 from Code Account No. 1703, Utilities to Code Account No. 1704, Supplies."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3775

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Aves International in the amount of \$882.50 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3776

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Tedesco Landscape Contracting Corp. in the amount of \$13,650.00 in payment for work at South Side Riverfront Park, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3779

A Resolution entitled, "Resolution transferring funds within Code Accounts in the Department of Fire: \$175,000.00

from Code Account No. 1461, Salaries and Wages, Regular and Temporary Employees as follows: \$100,000.00 to Code Account No. 1461-1, and \$75,000.00 to Code Account No. 1461-2."

Which was read.

Also,

Bill No. 3815

A Resolution entitled, "Resolution transferring the amount of Twenty Five Thousand (\$25,000.00) Dollars from Code Account 1612-4, Salt, to Code Account 1612-5, Rental of Equipment, both accounts within the Bureau of Operations, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3863

Report of the Committee on Public Works for October 12, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3766

A Resolution entitled, "Resolution amending Resolution No. 166, approved March 25, 1976, effective April 2, 1976, entitled, 'Providing for a Contract or Contracts for tenant work required at the Phoenix - Hill Shopping Center for the relocation of the Carnegie Library - Wylie Avenue Branch, to that facility,' by reducing the total project allocation by Forty One Dollars and Twelve Cents (\$41.12)."

Which was read.

Also,

Bill No. 3767

A Resolution entitled, "Resolution further amending Resolution No. 1018, approved November 15, 1979, effective November 21, 1979, as amended by Resolution No. 75, approved February 15, 1982, effective February 22, 1982, entitled: 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, for the Design of Warrington Avenue Reconstruction (PW 78-06); providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation," by reducing the total project allocation by Four Thousand Nine

Hundred Thirty Three Dollars and Twelve Cents (\$4,933.12)."

Which was read.

Also,

Bill No. 3769

A Resolution entitled, "Resolution vacating Overton Street from Lancaster Street to Billiard Way in the 14th Ward of the City of Pittsburgh, excepting and reserving an easement for the six (6) inch water line and the fifteen (15) inch sewer line located therein."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3864

Report of the Committee on Planning,

Housing and Development for October 12, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3784

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Hunger Action Coalition, a non-profit corporation located at 4401 Fifth Avenue, for the purpose of hiring Emergency Food Assistance Aides to enable the Hunger Action Coalition to better reach out and serve the needy."

Which was read.

Also,

Bill No. 3785

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the 'Economics Research Associates' from Boston, Mass., to do the West End Valley Economic and Market Analysis Study, at a cost not to exceed \$22,000.00."

Which was read.

Also,

Bill No. 3786

A Resolution entitled, "Resolution amending Resolution No. 1439 of 1981, as amended by Resolution No. 402, effective May 7, 1982, and by Resolution No. 1144, effective November 22, 1982, entitled: 'Approving the submission and budget for the 1982 Community Development Block Grant Budget'."

Which was read.

Mr. Robinson:

On Council Bill 3786, this letter was forwarded by Reginald Young, our Assistant Director for Community Development and directly relates to the concerns that we raised last Wednesday. It reads:

"Dear President and Members of Council:

Councilman Robinson, at the 12 October 1983 Committee on Finance meeting, requested that I forward to City Council information relative to Council Bill 3786 which proposed transferring \$53,300 from line item PW 82-31 Arlington Avenue to line item PW 82-09 Windom Street Slide. As per your request, I am forwarding the following comments. The Arlington Avenue Public Works' project from Carson to Amanda Street is listed in the Six Year Program as a major reconstruction from East Carson Street to Amanda Street. The project is in design and will not be constructed until 1986 upon completion of the LRT project being carried out by Port Authority of Allegheny County. Because construction funds will not be needed for Arlington Avenue prior to completion of the LRT and final design of Arlington Avenue, Block Grant funds for construction of that project are not presently needed.

Since the Windom Street slide project is an immediate priority project, Public Works has recommended transferring the Arlington Avenue funds to the Windom Street slide project. Since federal highway and urban mass transit funds will be used for the Arlington reconstruction project in 1986, it is recommended that no Block Grant funds be set aside for this project until such time as construction is proposed. For this reason, we are requesting

Pittsburgh City Council approve Council Bill 3786 as submitted.

Should you have any questions, please contact me.

Yours very truly,

Reginald B. Young
Assistant Director for
Community Development

RBV:eff

cc: Louis Gaetano
Paul McDermott
Robert Lurcott
Raymond Reaves"

Michelle Madoff:

Will you get your money back?

Mr. Robinson:

Yes, I'm satisfied.

Also,

Bill No. 3788

A Resolution entitled, "Resolution approving Modification No. 3 (dated September, 1983) to the Redevelopment Area Plan - Urban Renewal Plan for Redevelopment Area No. 15, Woods Run Project."

Which was read.

Also,

Bill No. 3789

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire an easement from the Baltimore and Ohio Railroad Company over property designated in the Deed Registry Office

of Allegheny County as Block 48K Lot 100 in the 24th Ward of the City of Pittsburgh under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3790

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties in the City of Pittsburgh (Urban Homesteading Rehabs)."

Which was read.

Also,

Bill No. 3791

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to transfer property in the 21st Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block 22-R Lot 186 from the Industrial Land Reserve Fund to the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3792

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Larry N. Wilson for the sale of Block 27-E Lot 189 in the 5th Ward of the City of Pittsburgh (URBAN HOMESTEADING RESALE FOR

REHAB)."

Which was read.

Also,

Bill No. 3793

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Steve Catranel Construction Company, Inc., for the sale of Block 50-L Lots 196, 198 and 199 and in the 10th Ward of the City of Pittsburgh (SINGLE FAMILY HOUSES)."

Which was read.

Also,

Bill No. 3794

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Robert Hunkele for the sale of Block 46-P Lot 361 in the 25th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3795

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and John W. Palarino for the sale of Parcels 28A and 28B in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (PARKING)."

Which was read.

Also,

Bill No. 3796

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Charles E. Davis Construction Company, Inc., for the sale of Parcels 52 and 53 in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (SINGLE FAMILY HOUSE)."

Which was read.

Also,

Bill No. 3797

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Charles E. Davis Construction Company, Inc., for the sale of Parcels 58A, 58B, 58C and 59 in the 5th Ward of the City of Pittsburgh in Redevelopment Area No. 32 (SINGLE FAMILY HOUSES)."

Which was read.

Also,

Bill No. 3826

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of various properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 3827

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of the following properties in the 6th and 10th Wards of the City of Pittsburgh for \$100.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 3865

Report of the Committee on Parks and Recreation for October 12, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3777

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts or the use of existing Contracts for the 1983-84 Tree Planting Program at Various Locations within the City of Pittsburgh; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

I was at a hearing of a new group being formed in the Mount Washington area and you know what happened in the Seldom Seen Park with the bulldozing. They would like some money put aside, and they're going to come to the hearing, Mike, to ask for money to reseed. That was one of the most beautiful sights in the world and its really been brutalized and they would like some of those trees.

I wonder if whoever is sponsoring that bill could see if some of the trees could be specifically set aside for Seldom Seen and if necessary billed back to Ram.

Sophie, could you handle that?

Mrs. Masloff:

I don't know, I'll check it out.

Michelle Madoff:

Would you check because if not, they're going to take legal action against the City as a community and I don't think it's necessary if we can just allocate some of the money of seeding trees.

Thank you, Sophie.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens:

Mr. President, I would like my vote to be aye on all bills in Finance, Public Works and Planning, Housing and Development.

Michelle Madoff:

Excuse me, point of business. I checked about four years ago to find out what happens when you leave the room and you don't vote. The Parliamentarian at that point said, "When you leave the room for a call from nature or an important call on the telephone, you are to say to the President of Council, 'I reserve the right to vote later'. Then you may vote when you come back. If you do not do that, you do not reserve the right to vote."

I think people should know that. Many of us may not know that.

The Chair:

Time and again Council people have voted when the meeting was over and informed me that they wanted to vote otherwise, I told the Chief Clerk and he recorded them accordingly. As long as the meeting isn't concluded, I believe a party has the right to vote.

Michelle Madoff:

I would like a ruling on that, please.

Mr. Stone:

Mr. President, it might be wise to clear that issue up. Technically, after you vote on it, you can't vote afterwards. However it is, I think it ought to be cleared up one way or the other.

The Chair:

I'm only saying, Bob, if the party is not here, obviously somebody can't vote for him or her.

Mr. Woods:

Mr. President, if I may. In a group such as ours, the President always sets the tone. If you have been doing that in the past, that overrules Robert's Rules of Order until this Council changes those rules. The way we've been doing it since I've been here is just what Mr. Givens has done. The Parliamentarian might rule otherwise but it's not valid because we've been doing that for over two years.

Michelle Madoff:

Would you mind hearing from the Parliamentarian? Couldn't we change the procedure?

Mr. Woods:

It doesn't matter what the Parliamentarian says in a case like this. It's past practice. We've been doing it and the only way you can change that is when we reorganize in January and set down new rules. But from this point on we will do it until we reorganize and then we come up with new rules.

The Chair:

You make a very good point with the exception that when there was an important, and I'm not saying the votes we had here a little while ago weren't important, but we have held them until most of the members of Council were here if they were in the vicinity. Obviously if they weren't here, they weren't here. Sometimes we have held them until the following meeting.

But as you stated earlier, it's been the procedure, at least since I've been Council President, if somebody wanted to vote, as long as they were here before the conclusion of the meeting they could vote. If they wanted to change their vote, as long as they did it —

Mr. Woods:

You're absolutely right, Mr. President, and that same Robert's Rules of Order, it states in there unless it's past practice. And that's what it's been.

Michelle Madoff:

If you're going to go by past practice in this Council probably no Robert's Rules apply. What do you mean by past practice? You want to have an orderly kind of Council and you want to improve it. I presume that's what you'd like to do. I would like to hear what the Robert's Rules says on this. I don't know why you object to hearing it.

Could you give me a ruling on that?

Parliamentarian:

Regarding absentee voting, Robert's Rules states: "It is a fundamental principle of parliamentary law that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken in a legal meeting. Exceptions to this rule must be expressly stated in the bylaws. Such possible exceptions include: (a) voting by mail, and (b) proxy voting."

Michelle Madoff:

I asked the last Parliamentarian the question. He said you must say, "I reserve the right to vote".

Mr. Woods:

I have a question for the Parliamentarian. Does it say anything in that book you're carrying about past practice?

Parliamentarian:

I would need time to research it.

Mr. Woods:

I'm not trying to be rude but I suggest you research the subject and you will find out that it does say past practice.

Michelle Madoff:

I think some of our past practices need to be corrected.

The Chair:

In the meantime, Michelle, none of Mr. Givens' vote had any bearing on

the outcome of the ordinances. They were all passed unanimously so we should really let it stand.

Michelle Madoff:

Mr. President, do you recall that we had a very, very important vote when Mr. Bulls was here? It was on a very serious issue. A member of our Council left the room, sauntered out two or three times when we had these very important votes and when he came back was asked how he'd like to vote. We never had on record how they voted on this issue which was a minority issue.

I think we ought to clarify some of this, Mr. Woods, and if somebody wants to saunter out and not vote on important issues we know where they stand. If they want to abstain, fine. But at least they can't say we don't have to vote at all.

Mr. O'Malley presented

Bill No. 3866

Report of the Committee on Public Safety for October 12, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3780

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Center for Victims of Violent Crime to provide for two additional employees."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, you may recall that you suggested to me, and I completely concur with you, that the upcoming hearing on the psychological testing is so important that it ought to be televised and I would so move on it if somebody will second it.

The Chair:

I don't know if we need it. We agreed here in Council that any important meeting that any Councilmember felt was important enough and wanted it televised, we would request to have it televised.

Michelle Madoff:

Okay. I just wanted to be sure the cameras will be here.

Mr. Woods:

No, no. You're saying we're going to be on cable TV that day? Mr. Chairman, again, past practice we vote on that subject. Every special we vote on it and I call for a vote.

The Chair:

We more or less agreed that all important meetings would be cabled unless there was some objection.

Mrs. Masloff:

Who's to judge what's important and what isn't?

Michelle Madoff:

You don't think this is important, Sophie?

Mrs. Masloff:

Yes, I do but I don't think it should be televised.

Michelle Madoff:

Oh, it's important but the people shouldn't know about it.

Mrs. Masloff:

The people might be embarrassed.

Michelle Madoff:

They wouldn't be embarrassed if they deliberately answered my ad and asked to be heard. They want the people to know what's going on.

The Chair:

Would the Clerk call the roll, please, to vote on whether the meeting of October 27 relating to the

psychological test will be televised.

Mr. Givens:

I vote aye and I've spoken and I'm sure others have spoken to Brother Richard Emenecker on this particular thing. They don't have the resource otherwise we'd have to work people overtime and Warner Cable, where we plug our Channel 17 in, is programmed so there is some complications but I think with prewarning of a week or two that Brother Richard ought to be able to reschedule some of that programming. I vote aye.

Mr. Robinson:

I'm going to vote aye and I'd just like the record to reflect that I believe all sessions of City Council should be televised. All sessions.

Mr. Woods:

I vote no because I don't believe any session of City Council should be televised.

Michelle Madoff:

I hope the people are watching that.

The Chair:

I vote aye because of the importance of the hearing.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff

Mr. O'Malley
Mr. Robinson
Mr. DePasquale
(Pres't)

AYES 6

NOES 3

(MRS. MASLOFF, MR. STONE AND MR. WOODS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Michelle Madoff:

Mr. President, my second motion is that I had called for a post agenda with Warner Cable, that's Mr. Walt Bent, and with Brother Richard to clarify the issue of do we or do we not have the facilities and the dollars to indeed to have a democracy in action, which is what America is all about, and to have the public to have access to know what is going on at all our meetings, even though Mr. Woods believes that the public isn't bright enough and they should not hear what's going on and I think that is a disgrace.

The Chair:

Mr. Woods didn't say that.

Michelle Madoff:

He said we shouldn't be televising. Why? Because they're not bright enough to understand what's happening?

Mr. Woods:

No, Michelle, because they listen to your big mouth consuming the meetings instead of the people who want to speak.

Michelle Madoff:

No, dear, they may find out that (a) you're not here and (b) that you don't really want them to know what's happening in session and you're not going to pass that one off. Don't show up; do us a favor.

Mr. Woods:

On the 27th it will all be Councilpeople speaking instead of the people who come here to be heard. I guarantee you that. And she will lead the charge.

Michelle Madoff:

Right. And that's why I said we should have separate hearing on dealing with the actual implementation of the bill and I've asked Mr. O'Malley to chair that meeting and that this meeting will be just to hear from people. They will start early and I'll accept your apology on that day, Mr. Woods. I think we should have all, as Mr. Robinson said, post agendas and all hearings open to the public because what you're getting folks out there in television land is boredom. What you're getting is Resolution No. so and so and you don't know what the resolution is all about anyway. We vote on it but when we get to the gut of issues which are post agendas and hearings you are cut out because you might find out what really goes on at this Council. I'm going to see that one way or another we get access.

The Chair:

What happens if we have a post agenda and seven or eight members walk out?

Michelle Madoff:

That's okay with me.

Mr. Givens:

In the fact that I'm the Chairman of the Department of Public Works wherein the Cable Bureau of Communications comes under, I've discussed this with Brother Richard Emenecker. Like everything else in our budget, we must budget for it and we must budget for the personnel, the resource, the time, the channelization, both at the local channel here and that of Warner Cable and the time that they have. Much of this is programmed through computers and as a result, if you don't program that properly it's not going to be on. There is the concern that Brother Richard has indicated to me, as our public hearings increase each year that the fact that the crews that he has on board and if they're here during the present filming and also at our studio downstairs which will be relocated to the ninth floor. But they have to come in also to program that, in some cases, in the evening hours. So, we have an overtime situation, we have an understaffing situation and we have not funded that for the year 1983. The year 1984, in our budget deliberations, all of this will come up and again we'll try to get as much programming as we can. Keep in mind that this is a total governmental service and it's not only exclusively used for this Council but for many other government programs that will be coming forth from the City of Pittsburgh via all the departments of the City of Pittsburgh and any other thing that might come on.

So, as time goes on, we're going to be limited to some degree and everything that we would like to show, there's going to have to be certain curtailments to some degree or we're going to run out of our budgetary constraints. Remember that money that we are using right now, to my knowledge, and the contractual relationship will have to be paid back.

The Chair:

Thank you, Mr. Givens.

Michelle Madoff:

Mr. President, I had requested a post agenda to discuss exactly the issue Mr. Givens just raised of do we have the people power and do we have the funds. I know that we do have it, and I don't want to go into the issue at this point, I want to have it discussed at the post agenda. I cancelled the agenda as a courtesy to Warner who wanted to meet with me first of all to find out what it was all about. My information is that that is not an issue. It's a non-issue. We have the money and we can have the personnel. I don't want to talk about it now. Out of courtesy I've postponed the post agenda; it will now take place. They will speak for themselves and Brother Richard Will speak for himself and we'll have the chance to ask him questions. It will boil down to does Mr. Woods and do we wish to have these hearings on cable or do we wish not to have them, whether the public is informed or not informed, whether I have a big mouth or whether I don't have a big mouth.

The Chair:

Okay.

Mr. Robinson:

Mr. President and members of Council, I am sure all of you are aware that an assembly of persons has been demonstrating outside the City-County Building the past two Tuesdays at 12 noon and will be demonstrating again tomorrow at 12 noon.

While their leaders have articulated their immediate concerns for equitable and representative government

in the City of Pittsburgh and Allegheny County, and for a responsive Democratic and Republic party in Allegheny County, their situation is endemic of a larger, more complex set of circumstances.

It would be convenient to ascribe all the problems confronting African-Americans in Pittsburgh and Allegheny County to the persistence of racism. But while racism continues to exert a baneful influence upon the politics and economics of this county, the plight of Allegheny County's Afro-Americans is more and more the consequence of a number of important non-racist structural features in our economy and political system.

One, the decline in labor-intensive industries and the displacement of unskilled and semi-skilled black workers as a consequence of automation and robotization.

Two, the decline in the size of the public sector, which in recent years has employed some 60 percent of all black college graduates and has been a major factor in the emergency of a black middle class. Add to this situation the historical inability of blacks to acquire influence and representation in the major political party structures, and the increasing competition for limited political rewards by diverse groups in our City and in our County.

Three, the shift of the economy from heavy industry and manufacturing toward high-technology industries for which most blacks and unskilled whites are ill-prepared.

Four, the shift from liberal-labor orientation in the political/economic system to a conservative-business orientation; the necessity for different leadership and directions are implicit. The economics of a community will

usually determine its politics and its political leadership.

An important opportunity exists to develop a broad coalition based on a non-racial strategy for dealing with the decline of basic industries and our political structure — namely the major political parties. Although many blacks are joining the ranks of the unemployed because of the decline in our basic industries, and the inability of the political system to replace those jobs, far larger numbers of white have lost their jobs and been disenfranchised by the political system.

Unlike twenty years ago when discrimination was the most significant obstacle to black political and economic progress, today the reality is a better political and economic climate for those fortunate enough to enjoy the benefits of the progress made over the last twenty years.

Yet when in 1963 "marches" were conducted like the ones in front of this building, under the banner of integration, blacks did not envision that participation in the political and economic structure was going to be within industries and political systems that were in substantial decline.

Today's black political agenda must be part and parcel of an agenda for all Americans. It must be an agenda that includes:

- One, the revamping of the major political party structures
- Two, a commitment to a national, or regional industrial policy and
- Three, the development of non-racial strategies to accommodate the inclusion of women, Hispanics and Afro-Americans in the fabric of the American social, political and economic life.

Our County has been in the forefront of past economic and political opportunities. Let's listen to the demonstrators this Tuesday and use this unique opportunity to be a part of positive change in Allegheny County.

The Chair:

Mr. Robinson, no doubt all of Council is in accord with you but I question the picketing. I don't recall seeing one picket out there last week or one person demonstrating.

Mr. Robinson:

Last Tuesday they were there.

The Chair:

Are they doing it just one day a week?

Mr. Robinson:

Just on Tuesdays. Every Tuesday up to the election.

The Chair:

Okay.

Michelle Madoff:

Mr. President, I have another item. Did anyone see this package on the street last week? Thousands of them, right. Kool Cigarettes, which were not very cool, were giving this packet out at the corner of Fourth and Wood. I happen to be down there and what they were doing was giving them out to people who were lining up to get freebie cigarettes and the people would just throw them. The litter was unbelievable. I tried to get a photograph.

I came back and went up to see

Judge Dovie and asked Judge Dovie what I could do to stop, to take an injunction against the group. He advised that I get in touch with the Law Department, which I did, I spoke to Marv Fein, Danny Pellegrini had gone home ill, and I spoke to Superintendent Coll. I found out that through Public Works they indeed did not have a permit. The company involved is Donnelly Marketing.

On Sunday when I went to the Steeler game, Donnelly Marketing was out there again with big vans, big trucks. The truck would be about the size of where our cameras are located up to about the beginning of the desk, from bottom to top with cartons of cigarettes and the empty carton boxes were being thrown on the streets.

I went to a telephone and called 911 and asked that somebody get them out of there. They have to have a permit and I would like to request that before any permit be granted to giving out — I don't care if you give cigarettes out, if you want to kill yourself and use cancer sticks, that's your business, as long as you don't smoke in my elevator, my house or my presence or my office. But if you're going to give out a cancer stick or a packet of them, in the street, do it without the container to be dropped in litter.

I went over to the person in charge and said, "Who is in charge here?" and the gentleman said, "Can't you be nice?". I said, "Where do you live?" She said, "I live in Allegheny County." I said, "You don't pay for cleaning up the litter in our City." She said, "Well, if they emptied the wastepaper containers, people would be able to put them in. It's the people who are littering." Well, I walked up the street and every container was empty except where they were because they had just cleaned it up by the City. There were thousands.

I want that company assessed and sued. I want them to pay the damages for cleaning up. Mr. Perry, would you see that our Law Department sends them a letter to pay for cleaning up their own litter. I want a fine against them. I want to see what the law says about their operating without a permit. I want everybody on notice that you don't put anything out in the streets without a permit. And more importantly, ladies and gentlemen, they weren't discriminating between minors and people over 18. Children were getting them. I saw it with my own eyes.

Mrs. Masloff:

Mr. President, on that very subject. I've discussed this very thing with Mr. Pellegrini. I suggested to him after the last election, primary election, on the week before the election, on Monday night when the stores were open, literature was passed out about political candidates. On Tuesday morning, I was in town at 8:00. We were up to our ankles in political literature and political things that had been passed out pertaining to political candidates. I suggested to Mr. Pellegrini at that time that anybody who wanted to pass out any literature would be responsible, no matter what it was, for picking up after themselves.

So, it not only applies to commercial companies; it applies to other people as well. I suggested to him that he prepare legislation for me, I discussed this with him as recent as two weeks ago, that legislation be passed so that anything that's dropped on the street, people leave a deposit so that if they pass anything out, they will be responsible for paying to have it picked up. If you check with Mr. Pellegrini you'll find that I've discussed this very thing with him.

Michelle Madoff:

As you recall, Mr. President, I introduced that motion in Council that everybody running for office post a bond so that it would pay for the cleanup of not only litter, and that's a good point, but their signs. I've asked Mike, and you have not sent me a copy of the letter, that a letter he sent to Bell Telephone and to Duquesne Light asking them to remove the signs, which are indeed illegal to begin with, and I have a note here from Connie and Gilbert Bilsky, 32nd Ward, saying that after the primary they went and got all Michelle Madoff posters and donated them to the Senior Craft Center from making paper mache. I'm delighted. I think we should all, every one of us, because we cannot physically watch what other supporters of ourselves are doing in littering, we should post a bond that would pay for the cleaning up of that litter. Four people would not vote for it; it failed on a vote of 4-5.

Mr. Stone moved to approve the minutes of Monday, October 3, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

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No. 41

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, October 24, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

Please stand for a moment of silence for world peace.

Mr. Givens:

Mr. President, I think during that moment of peace we must think of those

Marines who've lost their lives over in Lebanon for the good cause of democracy, and hopefully they would be in our thoughts, and that men of peaceful prayer, that this Council does for that expressed purpose. Thank you, Mr. President.

PRESENTATIONS

Mr. Givens presents

WHEREAS, the Sons of Columbus of America, General F. DePinedo - John Mascio Council No. 29, celebrated its 50th Anniversary on October 22, 1983; and

WHEREAS, the General DePinedo Council was organized on October 22, 1933, by the late Albert Farina and Nicholas Gasbarro from the "Tre Sorella Council No. 1"; and

WHEREAS, in May of 1975, National President, Honorable Judge William F. Cercione added the name of John Mascio to the Council in honor of the founder and first President; and

WHEREAS, in receiving this honor, John Mascio was cited for his untiring efforts and excellent leadership in organizing the Council; and

WHEREAS, the Council proudly continues to carry on the heritage of the founders and forefathers.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh, hereby recognize and congratulate the Sons of Columbus of America, General F. DePinedo - John Mascio Council No. 29, on its 50th Anniversary, and extend commendation and gratitude to founder and first President the late John Mascio, and to all past and present Officers and Members for fostering and perpetuating (I think that's very important that word perpetuating) the cultural history of Pittsburgh's ethnic population, and enriching the dignity and pride of our city.

Mr. Givens moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens:

I know some of you Members of Council know that there is a member by the name of John Mascio who works with us. I'm proud to say that John is in our audience, and I'd like him to come up and accept this particular award on behalf of his grandfather, who is his namesake. John, would you come forward please? On behalf of the Council of the City of Pittsburgh and the Sons of Columbus, I thank you and your family and especially that of your grandfather.

John Mascio:

Thank you.

Mr. Givens:

One thing, you wonder where the Sons of Columbus come from and this particular general. The General was a pilot, which I'm very proud of, and set many records while in Italy, setting

records around the world; and what this means, when the national president from the Sons of Columbus came into Pittsburgh this past Saturday and gave a speech, it was one that was very sincere and was very heartwarming to all of the ethnic groups. What he said in gist was that even all of us who have come from the immigrants of this country and have worked our way up, and the many political people who were there to honor this particular person, John Mascio, that we have to work very hard and continue that effort if we're to at any time in the future hold this great esteem that this gentleman is being honored with here today. John, would you want to say a few words?

John Mascio:

I just want to say that my grandfather would be grateful and proud of this honor, and thank you.

Mr. Stone:

Mr. President, first of all, I would like to add my personal congratulations on this resolution, and I think it is important to know this resolution honoring a lodge and also honoring the Knights of Columbus should not be left without additional remarks in that sense.

The fraternal movement has been one of the finest movements that's ever been initiated in this continent. They have been doing much and good work for everybody throughout the United States. There are 100 societies in the United States and one million fraternalists in Pennsylvania alone. There are ten million fraternalists in the United States, and all of those societies have seen fit to provide orphanages, to provide sports and activities, all of a wholesome nature for all of its membership; and I know Justice Cercone is president of that organization, and he

is in that family of the fraternal movement; and I'm honored to be one of the presidents of one of the fraternal groups and that's why I'm familiar with the movement, but I think that this only points out that too often we don't know enough about one of the finest movements that's happening.

Regretfully, our newspapers have not seen fit to cover things like fraternal movements or Boy Scouts or Girl Scouts. It's only exciting when we find something that's not positive, and I am hopeful there will be a day when the readers will want to see something that brings pride and honor to all of us, as well as the worst things that can be written about somebody.

The Chair:

Is that the largest Italian organization, the Sons of Columbus?

Mr. Stone:

Yes, I think at this point they are.

The Chair:

Does anyone have anything further to add? If not, congratulations to the Sons of Columbus and John Mascio.

Mr. Robinson:

Mr. President and Members of Council each year we are honored here in the City to have a organization that is in the forefront of a national effort to make Halloween a safe time for our young people, and while this City will be celebrating October 31, 1983 as our official Halloween celebration, I thought it would be appropriate today to give recognition to an organization, an individual who has been in the forefront of this effort.

As I said, it's a national effort, and we should be very proud here in Western Pennsylvania that we have been in the forefront.

Mr. Robinson presents

WHEREAS, the Kingsley Association of East Liberty, a community organization with its primary focus on youth education, training and employment is in its sixth year of the Halloween Clearing Center for Suspicious Treats; and

WHEREAS, the association has obtained the beneficent cooperation of the Community Relations Division of Pittsburgh Police, the County Police, West Penn AAA, Allegheny County Police Chiefs Association, and the Western Pennsylvania Police Chiefs Association.

NOW THEREFORE,

BE IT RESOLVED, that the City Council does hereby commend Elmer A. McClung, Director of Health and Recreation of Kingsley Association, and all those philanthropic organizations that have pledged cooperation in this project designed to urge parents and children to take suspicious Halloween treats to be examined at the local police station.

BE IT FURTHER RESOLVED, that we proclaim October 31, 1983, as "Halloween Safety Day" in the City so that the public will be aware of the potential danger.

Mr. Robinson moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson:

This resolution I think is an example of the kind of gratitude that we ought to give to those individuals who worked on behalf of our youngsters. As I mentioned before, this program was the first of its type in the United States. It's being emulated in many other Cities, and I think we can feel justly proud that, in light of the unfortunate incident that has occurred during the Halloween season over the last few years, that there are some citizens in our community and some organizations that have seen fit to try to pull everybody together to protect everyone's child; and I think this is just a small tribute to the Kingsley Association for its fine efforts; and I think also it says to us that our police officers and our police establishment do many, many things that oftentimes we take for granted. We have individuals in our Emergency Medical Services throughout the county, as well police and fire officers who are going to be giving of their time and their effort to make sure that our kids can go out on October 31st and enjoy Halloween; and I think we owe them a great debt of gratitude for doing this and I'm just very proud that Pittsburgh has been in the forefront of that effort, thank you.

Mr. Woods and Mr. Stone presents

WHEREAS, Pittsburgh City Council through the adoption of this resolution hereby commends citizen Louis Potetz for his many years of public service in planning and actively supporting the final completion of Firehouse Station No. 32; and

WHEREAS, in 1976, out of concern for the safety of his neighbors in the Spring Garden community, Lou Potetz became one of the first citizens to meet with City officials and asked that a new firehouse be placed under consideration;

and

WHEREAS, the next four years were devoted to countless meetings as Lou continued his lobbying efforts to turn an idea into reality; and

WHEREAS, in 1981, with the support of the members of City Council, the firehouse finally won approval and because of the pride, faith and determination of this lifetime resident of Spring Garden, families in this area of Pittsburgh will have improved fire protection.

NOW THEREFORE,

BE IT RESOLVED, that the members of City Council are grateful for the opportunity to officially extend its best wishes and congratulations to Louis Potetz as Firehouse Station No. 32 begins to serve the Spring Garden district and surrounding communities.

Mr. Woods and Mr. Stone moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Flaherty presented

No. 3871 Resolution providing for the issuance of a warrant in favor of Meyers Plumbing & Heating Supply Company in the amount of \$391.74 for plumbing materials furnished for the benefit of the City in connection with emergency gas line repairs at #34 Engine House, chargeable to and payable from Code Account 1363 Materials, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 3872 Resolution providing for Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the design and implementation of rehabilitation to a City-owned building located at 7323 Frankstown Avenue, Pittsburgh, for its use as an elderly day care center at a cost not to exceed \$50,000.00.

Also,

No. 3873 Resolution authorizing the Urban Redevelopment Authority of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pgh., designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein.

Also,

No. 3874 Resolution repealing Resolutions, approved on various dates, for sale of properties in various Wards, in accordance with Act No. 514, as amended. Resolution provides for the forfeiture of hand money.

Also,

No. 3875 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3876 Resolution providing for the issuance of a warrant in favor of Commonwealth of PA, Dept. of Transportation in the amount of \$111,309.84, in payment for the City's

share of construction costs in connection with the Forbes Avenue Project, Agreement No. 69037A, chargeable to and payable from Code Account PW 80-41, 4-01-10-0501-80, Forbes Avenue, Craft to Craig, Street Lighting and Signals. Prior approval granted.

Also,

No. 3877 Resolution providing for the issuance of a warrant in favor of Richardson Associates in the amount of \$4,742.50 in payment for Professional Engineering Services in connection with the Route 51 Rockslide, chargeable to and payable from Code Account PW 82-28, 4-01-30-0900-82, Saw Mill Run Rock Slide. Prior approval granted.

Which were read and referred to the Committee on Finance.

Also,

No. 3878 Resolution providing for an Agreement or Agreements with Gannett, Fleming Transportation Engineers, Inc., for an In-Depth Inspection of the Schenley Park over Panther Hollow Bridge at a cost not to exceed \$29,000.00 chargeable to and payable from Code Account PW 83-07, 4-01-05-0001-83, In-Depth Inspection by Contract.

Also,

No. 3879 Resolution providing for an Agreement or Agreements with Gannett, Fleming Transportation Engineers, Inc. for an In-Depth Inspection of the Schenley Park over P.J.R.R. Bridge at a cost not to exceed \$35,000.00 chargeable to and payable from Code Account PW 83-07, 4-01-05-0001-83, In-Depth Inspection by Contract.

Also,

No. 3880 Resolution amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled: "Adopting and approving the 1983 Capital Budget and the 1983 CDBG, and approving the 1983 through 1988 Capital Improvement Program," by increasing line item PW 83-02 by \$127,000.00 to provide the necessary funds for an Agreement with Glass Plaza Associates and Market View, Inc., in connection with the PPG Project, and correcting a typographical error on a previous amendment.

Also,

No. 3881 Resolution authorizing the City to enter into an Agreement or Agreements with Glass Plaza Associates and Market View, Inc., providing for the conveyance to and acceptance by the City of a street easement upon, in and through certain property located in the 1st Ward of the City of Pgh., upon payment by the City of a sum not to exceed \$1,071,667.00 to Glass Plaza Associates and Market View, Inc. jointly, and providing for various other terms and provisions therein.

Also,

No. 3882 Resolution amending Res. No. 750, appr. Aug. 24, 1983, eff. Sept. 6, 1983, entitled: "Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including, but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goettman Street and Blessing Street; and providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the Design of the Reconstruction of the Goettman Street Wall; and providing for the payment of the cost thereof," by providing for an Agreement or Agreements with Pittsburgh

International Engineering, Inc. for Engineering Services in connection with the Design of the Reconstruction of the Blessing Street Wall, at a cost not to exceed \$27,000.00 chargeable to and payable from the 1983 CDBG "Emergency Jobs Bill Program" (PW 83-35) "EJB Wall Improvement Program" Project No. 4-01-30-0990-83-260-83-01.

Also,

No. 3883 Resolution providing for an Agreement or Agreements with the Allegheny Conference on Community Development for their cost participation in the Reconstruction of Grant Street, Phases I, II and IV. Upon receipt of the Allegheny Conference's share of the reconstruction costs, the sum designated for each Phase of the reconstruction, shall be deposited in the Dept. of Public Works Unrestricted Cash, PW 81-13, 4-01-01-0137-81, Grant Street - Liberty Avenue.

Also,

No. 3884 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting interim approval for payment to Noralco Corp. for an emergency contract in connection with the E. Sycamore Street Hillside Stabilization at a cost not to exceed \$270,625.00 payable from Code Account No. PW 83-13, E. Sycamore Street Hillside Stabilization. Prior approval granted by Council August 1, 1983.

Also,

No. 3885 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Paul J. McDermott to attend a meeting in Harrisburg regarding the City's procedures in the selection of their Engineering Consultants on October 12-13, 1983, at a cost not to exceed

\$165.00 payable from Code Account No. 1502, Misc. Services, Director's Office, Dept. of Public Works. Permission is also requested for use of City vehicle. Prior approval granted by Council October 10, 1983.

Also,

No. 3886 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Brother Richard Emenecker, F.S., to attend a meeting with the staff of Rep. Tim Wirth, Chairman, Sub-Committee on Telecommunications in Washington, D.C., on October 12-13, 1983, at a cost not to exceed \$375.00 payable from Code Account No. 1661, Misc. Services, Supplies, Repairs, Materials and Equipment. Prior approval by Council on October 6, 1983.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3887 Communication from Richard M. Cosentino, Director, Dept. of Water, requesting interim approval to make payment of \$391.77 for repair of four pumps and one saw, payable from Code Account No. 1705, Repairs.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3888 Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the furnishing and delivery of Office Equipment and Furniture for the Dept. of Fire, Chief's Office, Code Account No. 1468, Equipment, at a cost not to exceed \$17,000.00 payable from Code Account No. 1468, Equipment, Dept. of Fire.

Which was read and referred to the Committee on Supplies.

Also,

No. 3889 Communication from Glenn M. Cannon, Director, Emergency Medical Services, requesting authorization for himself and Frank O'Black to travel to Orlando, FL for an inspection of the new ambulance fleet under construction and the radio installation for those vehicles on October 24-25, 1983, at a cost not to exceed \$2,000.00 payable from EMS Third Party Payer Trust Fund. Prior approval by Council October 13, 1983.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 3890 Resolution providing for the Issuance of a Certificate of Appropriateness for work on the exterior of various residential structures in the Manchester Historic District all in the 21st Ward.

Also,

No. 3891 Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1218 Monterey Street (Block and Lot 23-J-268) and 1303 Sherman Avenue (Block and Lot 23-K-179A) in the Mexican War Streets Historic District in the 22nd Ward.

Also,

No. 3892 Resolution amending Section 11 of Res. No. 1420, entitled: "Providing for the filing of an application by the City of Pgh., with the U.S. Dept. of Housing & Urban Development for the 1981 CDBG Program," so as to decrease

line item CP 81-05, "Neighborhood Census Publication," from \$50,000.00 to \$40,000.00 (-\$10,000.00) and further, to create a new line item LB 81-07, "Renovation of Public Buildings" (+\$10,000.00).

Also,

No. 3893 Resolution amending Section 11 of Res. No. 1549 of 1978, as amended, providing for the filing of an application with the U.S. Dept. of Housing & Urban Development for a grant in connection with the 1979 CDBG Program by reducing line item PR-79-10 "McKinley Park" from \$15,000.00 to 0, and further to add a new line item LB-79-11 "Renovation of Public Buildings" (+\$15,000.00).

Also,

No. 3894 Communication from Robert H. Lurcott, Director, Dept. of City Planning, requesting authorization for Hubert Smith and Jack Sproul to attend a one-day workshop on the "Davis/Bacon Act and Federal Labor Standards" in Warrendale, PA on October 26, 1983, at a cost not to exceed \$100.00 payable from the CDBG Program, Dept. of City Planning Administration, Code Account CDPA. Prior approval by Council, October 18, 1983.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3895 Resolution amending Res. No. 721, appr. Aug. 24, 1983, eff. Sept. 6, 1983, entitled: "Providing for the issuance of warrants for persons who provide proctoring services for the benefit of the City in connection with the Administration of the Dept. of Personnel and Civil Service's Entry Level

Firefighter Written Examination on Nov. 5, 1983," by increasing the amount from \$2,500.00 to \$3,500.00 chargeable to and payable from Code Account No. 1100, Misc. Services, Dept. of Personnel and Civil Service Commission.

Also,

No. 3896 Resolution amending Res. No. 883, appr. Oct. 6, 1983, eff. Oct. 14, 1983, entitled: "Providing for a Lease Agreement between the City of Pgh., Dept. of Personnel and Civil Service Commission and the Public Auditorium Authority of Pgh., and Allegheny County," by increasing the amount from \$7,900.00 to \$9,435.00 chargeable to Code Account No. 1100, Misc. Services, Dept. of Personnel and Civil Service Commission.

Also,

No. 3897 An Ordinance supplementing the Pittsburgh Code, Title 1 - Administrative, Article XI - Personnel, Chapter 191, Retirement and Severance Pay, by adding Section 191.09, Service Increment - Police Pension Fund.

Which were severally read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so they will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3898 Resolution providing for the issuance of a warrant to Joseph J. Davis and Betty Davis, his wife, in the

amount of \$122,500.00 in full settlement of claim for personal injury and property damage, payable from Code Account No. 46, Judgments.

Also,

No. 3899 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, amending Council Bill No. 3678 to include Robin Smith, Budget Analyst, Dept. of Finance to attend a seminar on Innovative Financing of Energy Efficient Project, at the Hyatt Hotel in Pittsburgh on September 28, 1983, at a cost not to exceed \$35.00 payable from the Energy Task Force Trust Fund, which is reimbursed from the Federal Government. Prior approval for five members of the Mayor's Energy Task Force to attend the seminar by Council Bill No. 3678, total amount of expenses should be amended to be \$210.00.

Also,

No. 3900 Communication from Ronald C. Schmeiser, Director, Dept. of Finance, submitting a report of deposits and market value of collateral Security pledged by City Depositories to secure same as of September 30, 1983.

Which were severally read and referred to the Committee on Finance.

Mr. Woods presented

No. 3901 Resolution transferring the sum of \$282,500.00 from various code accounts within the Dept. of Supplies to various code accounts within the Dept. of Supplies.

Which was read and referred to the Committee on Finance.

Also,

No. 3902 Resolution amending

Res. No. 93 appr. Feb. 3, 1983 eff. Feb. 21, 1983, entitled: "Amending Resolution providing for the letting of Contracts and the use of Contracts for the purchase and delivery of Various Radio Equipment for the Dept. of Supplies of the City of Pgh., and providing for the payment thereof," increasing the amount provided from \$450,000.00 to \$454,000.00 chargeable to and payable from Code Account 4-30-01-0001-81, Project No. SD-81-01 Misc. Equipment, City Departments.

Also,

No. 3903 Resolution providing for a Contract or Contracts for the purchase of Fire Equipment for the Dept. of Supplies at a cost not to exceed \$1,000,000.00 chargeable to and payable from Code Account 4-30-01-0002-83 (SD-83-02).

Which were read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3904

Report of the Committee on Finance for October 19, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3782

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Chapter 233, Sinking Fund Commission, Section 233.03, Depositing

Funds, by requiring that all monies from the several sinking funds shall not be deposited inconsistent with the City of Pittsburgh's policy and procedures for investments and deposits in minority and female controlled financial institutions as similar depositories."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3808

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of The Buncher Company, in the amount of \$19,400.00 in payment for rental space at 28th Street furnished for the benefit of the City in connection with the Auto Pound; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3809

A Resolution entitled, "Resolution transferring the sum of \$19,400.00 from Code Account 1362-2, Electric Current to Code Account 1361, Miscellaneous Services, Department of Lands and Buildings."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods

Mr. O'Malley

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3816

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Brayman Construction Corporation in the amount of One Thousand Fifty (\$1,050.00) Dollars in payment for Extra Work, being in addition to the original contract price of One Million One Hundred Ninety One Thousand Seven Hundred Twenty Five (\$1,191,725.00) Dollars on Controller's Contract No. 25948, furnished for the benefit of the City in connection with the Forbes Avenue Bridge, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3828

A Resolution entitled, "Resolution authorizing the Mayor to issue, and the City Controller to countersign a duplicate warrant to the same payee and in the same amount to replace the following warrant which was lost, stolen or inadvertently destroyed."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills

pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Michelle Madoff

Mrs. Masloff

Mr. O'Malley

Mr. Robinson

Mr. Stone

Mr. Woods

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3829

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Ruth Law for stenographic reporting services in connection with public hearing(s) and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3830

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Lana M. Byer for stenographic reporting services in connection with public hearing(s) and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3831

A Resolution entitled, "Resolution transferring the sum of \$5,000.00 within Code Accounts of the Mayor's Office."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3859

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Urban Consortium Energy Task Force for a grant in connection with the Energy Conservation Projects Model Decision Process Project; providing for the execution of an Amendment of Grant Contract; providing for required assurances; providing for the deposit of the funds in a bank account of a Special Trust Fund; and upon approval thereof, for an agreement or agreements with a consultant or consultants for services in conjunction therewith and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

We just received a letter from Mina Gerall explaining that she was ill and could not be here and would be here to answer questions today. I wonder if she might answer some questions that I have, Mike?

The Chair:

What bill?

Michelle Madoff:

On this bill I might ask some questions and she sent a letter —

The Chair:

What bill?

Michelle Madoff:

That's Bill 3859, the last bill, I'm sorry.

The Chair:

You want to ask who a question?

Michelle Madoff:

Mina Gerall who's applied for this energy grant. I'm sorry you weren't feeling well. I hope you're feeling better. The \$64,000 application for an energy grant, where would it be coming from?

Mina Gerall:

Ultimately it's from the Department of Energy. It's administered through the Urban Consortium.

Michelle Madoff:

Which Department of Energy are we talking about? I thought D.O.E. was out of business.

Mina Gerall:

There are several programs going on, very few, actually. This is one of the few grant programs in existence.

Michelle Madoff:

Who is the umbrella group?

Mina Gerall:

Urban Consortium.

Michelle Madoff:

And they are federally--

Mina Gerall:

Private organization which--

Michelle Madoff:

No, we are on two subjects now. The D.O.E., Department of Energy moneys come from the federal government.

Mina Gerall:

True.

Michelle Madoff:

Under what sub-division of government would that be coming from?

Mina Gerall:

I'm not sure I understand the question.

Michelle Madoff:

Well, there used to be a Department of Energy. You applied to the Department of Energy for a Department of Energy grant, or E.P.A. took it over and you applied to E.P.A. Then they transferred it to some other agency. Nobody knows where this secret agency is.

Mina Gerall:

Okay, the literature and the letters that we get come directly from the Urban Consortium. We do not deal directly with the Department of Energy or some such sub-government or the federal government. In fact, we first do it as D.O.E. money.

Michelle Madoff:

All right, would you find out for me where the D.O.E. money generates, under what committee, under what department, first of all?

Now, you're applying for a grant of \$64,000. Who would that \$64,000 be for? This whole consortium or just for us?

Mina Gerall:

There is, I think, around \$2 million granted through the consortium. \$64,000 would be just strictly for the City of Pittsburgh.

Michelle Madoff:

The Consortium, I presume, is getting together and trying to get this money from wherever D.O.E. is being hidden in Washington at this point.

Mina Gerall:

Right.

Michelle Madoff:

You have some guarantee or some feeling that you might get this money?

Mina Gerall:

Yes, the work that we did under the 1982 grant was very well received by the Consortium and its members and the direction which that project led us for the new project seemed to be of great interest to them and they in fact, have solicited our cooperation and continuing interest with the project.

Michelle Madoff:

Marvelous, what did you do under 1982? I don't think anybody in Council knows. What did you do in 1982 that was so wonderful?

Mina Gerall:

The 1982 Project, which is currently being approved by the Consortium for printing, will be distributed to Council.

Michelle Madoff:

You would have no objections earlier coming and sharing with us what you're doing before it's in print, so that before you come back to us for something else, we have some idea of what you've done.

Mina Gerall:

No problem whatsoever.

Michelle Madoff:

Thank you. I would appreciate it if you would have that done earlier. Since I'm head of the Sub-Committee on Energy, you can approach me and I would speak to our President, and I'm sure that

he would let you speak at a post agenda or at a meeting at any time.

Mina Gerall:

We could do that.

Michelle Madoff:

I would appreciate it. I've been asking for it for four years.

Mina Gerall:

Okay. Specifically, what this project did was to develop an energy budget which would be used in the budget process as a way to measure and evaluate what we pay for energy and how we consume energy as a first step in looking at controlling energy. This gives us the tools and the financing mechanisms to be able to, in fact, have people responsible for what they use, account for what they use, and know what they're paying for it.

Michelle Madoff:

How much money did you have last year?

Mina Gerall:

About \$60,000.

Michelle Madoff:

Where did you get the money?

Mina Gerall:

Urban Consortium.

Michelle Madoff:

Who did the study for you?

Mina Gerall:

The study was done specifically by Mary Bailey and Jack Wilson, who are research analysts. Mary Bailey did it in-house.

Mina Gerall:

Right.

Michelle Madoff:

Eminently qualified.

Mina Gerall:

Absolutely.

Michelle Madoff:

All right, and who else?

Mina Gerall:

Jack Wilson.

Michelle Madoff:

The only thing I would say that Mary Bailey fell down and dropped the ball. I wonder why she didn't come to me, because she knows I know almost as much or maybe more than she does. I've been asked to do consulting in this field. What did you do with the waste heat? Did you just draw up a proposal of what you'd like to do and now we're going to do another proposal of what we'd like to do, or did we actually save some kilowatts?

Mina Gerall:

There are several Cities in the Urban Consortium Energy Task Force who, in the Fifth Year Grant, will be working on questions of waste heat. We thought that our interests lie more in the financing of Energy Conservation

Projects, because we are new at the business of energy conservation throughout the City Departments; and we felt that was something that somebody else should blaze the trails on in terms of municipal governments.

Michelle Madoff:

See, Mina, municipal government buildings are no different than any other buildings. There are some buildings you can do very little in. This building you can't do anything in, practically nothing, unless we re-build it, unless we build the building, or maybe we voted in this Council to put controls, thermostats in offices, so we don't run air conditioning in the winter because of the steam heat.

The Chair:

Michelle—

Michelle Madoff:

I'm not voting on this bill, Mr. DePasquale, until I learn a little bit about it.

The Chair:

Michelle, restrict yourself to the specific bill and whether—

Michelle Madoff:

I'm still on the specific bill and I'm not getting off this specific bill. With the 60-odd-thousand dollars, how much waste heat and how much could you cut the energy cost at the Safety Building?

Mina Gerall:

I cannot answer that.

Michelle Madoff:

Well, I can tell you, substantially.

Mina Gerall:

I wouldn't doubt it but, in fact, the-

Michelle Madoff:

So, what we did is we studied it for 60- some thousand. Now we're going to study it for \$64,000, and it's the fifth year, we're going to do something.

Mina Gerall:

We did not study that question. The questions that we are undertaking through this program are not technological, fixed questions. What we're trying to look at instead is organizational and fiscal issues. You said this building is impossible to save technologically. It may not be impossible to conserve in this building, but we don't have the processes. We don't have the fiscal means for doing, and that's what we're trying to do, not deal with the technical questions, but until—

Michelle Madoff:

So far you haven't said anything. I want to know why you can't go out with the \$64,000, get a company that will give you the work, including the plan. You know, like the offices we're remodeling, the Law Department Offices, the people that sell the furniture and do the design are the same people. You don't have to pay them to do the design. They'll do it for nothing. You go out and hire some people to save on waste energy for the Safety Building for your \$64,000, and they will do the design for you.

Mina Gerall:

The difference is that to do that—you're right, the technical knowhow is there. It would require us spending

money. This way we're not spending—

Michelle Madoff:

Not necessarily. What we might be doing is paying the money out of savings, and there are companies who will put it in and you pay them from savings.

Mina Gerall:

And that's, in fact, what our Fifth Year Project design is about.

Michelle Madoff:

Fifth Year. I don't want to wait five years.

Mina Gerall:

I should clarify that. That's what the Consortium calls it. This is the fifth year for the Consortium. It would only be the second year for the City of Pittsburgh. In fact, very few municipal governments have gotten into shared savings, because there are legal constraints on organizations in the government that don't exist in the private sector. What we would like to do is develop a negotiating handbook that would make it easier for government—

Michelle Madoff:

Why wasn't I invited to the meeting, because what you're saying doesn't make any sense.

Mina Gerall:

What doesn't make any sense?

The Chair:

Michelle, would you—

Michelle Madoff:

Mr. DePasquale, this does not make any sense at all. If we're getting \$64,000—

The Chair:

We're having a complete hearing on this matter, and I think you've been answered as to what you asked for.

Michelle Madoff:

I want to ask one more question, and I'm going—

The Chair:

One more, please, and that's it.

Michelle Madoff:

Are you in a hurry, Mr. DePasquale? I'm in a hurry, too, I have a lot of things to do.

The Chair:

You were out of order, and I allowed you to have—

Michelle Madoff:

I'm not out of order. We're discussing a bill before this Council.

The Chair:

Michelle, this should not have come in this meeting, and you know it and I know it.

Michelle Madoff:

I am not out of order, sir.

The Chair:

You have been going on and on and

on.

Michelle Madoff:

I'm going to go on and on and on, because it's the people's business, and you're not going to disenfranchise the people that vote for them and my constituents.

The Chair:

You're going to ask one more question and the young lady's going to be asked to take her seat.

Michelle Madoff:

Why don't we take the \$64,000, and I'll show you how to save money, and it won't cost us the \$64,000. We'll save the money.

Mina Gerall:

D.O.E. no longer provides direct assistance for technical studies. What they are doing with this grant money is asking Cities to develop non-technical resolutions to problems that are peculiar to government and to insure that they are transferrable to other city governments who have varying degrees—

Michelle Madoff:

Mina, how many times have I sent you memos telling you that I'd be happy to come to a meeting, and tell you that I represent the Sub-Committee of Council on Energy; and how many times have you rudely ignored me?

Mina Gerall:

I don't think that we have rudely—

Michelle Madoff:

You just haven't notified me.

The Chair:

Young lady—

Michelle Madoff:

That's rudely ignoring me. Thank you, I'm through.

The Chair:

Young lady, would please take your seat?

Michelle Madoff:

And it won't happen again, Mina. Let me just tell you that for the record.

The Chair:

Call the vote.

Michelle Madoff:

I'm going to abstain on Bill No. 3859 simply because I believe that this City could go out and could be using the so-called ineffective energy committee that does have some expertise, which is not being allowed to use its expertise, to go out and start saving some money for this City; and we're coming up with this wonderful gobbledygook to say, my, we're doing something, but in reality, not doing anything.

Mr. Robinson:

Aye on all bills, and on Bill No. 3859, I think that it would be helpful to everyone in the City if the Administration and Council could work more cooperatively on this energy issue. Hopefully, this will not become a partisan issue and will be one that both the Administration and Council can see some joint benefits from; and I hope that we will be able to work out something more equitable and more cooperative in

the future.

Mr. Stone:

Aye on all bills, and relative to Bill 3859, I want to commend the Administration and Mina Gerall for taking the time to find the grant under which we are acquiring \$60,000, which is not the City's moneys; and for doing that and under the rules and regulations that's promulgated under the grant and in that sense, she should be commended and not chastised for doing what's right and in finding \$60,000 that we don't have to spend.

Michelle Madoff:

Mr. President, may I respond?

The Chair:

No.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Mrs. Masloff
Mr. O'Malley
Mr. Robinson

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 7

NOES none

(MICHELLE MADOFF, ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff:

Point of personal preference. For the record as the Finance Chairman, our Finance Chairman has done peerlessly little to save money on energy in this building, because he doesn't know how to do it, nor does he want to even learn how to do it, or care about it.

Mr. Stones:

There may be other ways to do things, Michelle.

Michelle Madoff:

Mr. Stone, you may be an attorney and people may hire you for your expertise—

The Chair:

Michelle, please.

Michelle Madoff:

—but people want to hire me all the time for my expertise, and it is in energy and environment; and I worked for many attorneys on a voluntary basis helping them.

Mr. Givens presented

Bill No. 3905

Report - of the Committee on Public Works for October 19, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3768

A Resolution entitled, "Resolution

vacating Spahr Street from Centre Avenue to the Pennsylvania Railroad right-of-way in the 7th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3817

A Resolution entitled, "Resolution granting unto Pennsylvania Macaroni Company, 2012 Penn Avenue their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a stairway to their basement in a portion of the sidewalk at 2012 Penn Avenue, in the 2nd Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3818

A Resolution entitled, "Resolution repealing Resolution No. 1217, approved December 31, 1979, effective December 31, 1979, entitled: "Providing for a Contract or Contracts for Engineering Services for the Inspection of various City Bridges (PW 79-09); providing for the payment of costs thereof; and providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3906

Report of the Committee on Planning, Housing and Development for October 19, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3856

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)44 of the Zoning Ordinance, No. 192, approved May 10, 1958, as amended, for use of the existing structure located at 3501 LIBERTY AVENUE (vacant convent) by "The Whale's Tale" lessee, as a Group Care Facility for 16 clients, ages 11 to 18 with counseling offices, 24 hour adult supervision and five parking stalls, on property zoned "R4" Multiple-Family Residence District, 6th Ward."

Which was read.

Also,

Bill No. 3787

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the ONE THOUSAND CALIFORNIA AVENUE URBAN DEVELOPMENT ACTION GRANT PROJECT; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the ONE THOUSAND CALIFORNIA AVENUE URBAN DEVELOPMENT ACTION GRANT PROJECT; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account."

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 3787, which is the UDAG for 1000 California Avenue, I'd like to have attached to that bill a memo from Reverend Simms, who is Chairman of our Minority Business Enterprise Review Committee, which details the provisions for the Minority Business Enterprise Plan which is supposed to be for this application process. I'd like to have that attached.

Then also in that same regard, I'd like to share two pieces of communication that relate to this project both directly and indirectly; and hopefully in sharing this information with Council we can get some clarification as to some difficulties that this particular UDAG seems to have created.

One is a copy of a letter addressed to yourself, Mr. President, dated October

20th. Several people received a copy of this, including myself. It says:

"Dear Mr. DePasquale:

The greater North Side Development Council requests a public hearing, at which time all of the existing and proposed development plans of the North Side are shared with the citizens of our community.

We appreciate your help and consideration regarding the above matter.

Sincerely,

Becky L. Cogger."

I assume, Mr. President, that Ms. Cogger will be contacted relative to her concern and that we would inform her that this UDAG, while it is a part of the development of the North Side, certainly the time restraints that we're operating under necessitate us moving forward prior to October 31st to give the developers a fair opportunity to see if they can secure the necessary federal funding, and that it would not be in the best interest of the City at this point to hold up this project while we wait for a hearing on the total North Side.

The second letter is also from Ms. Cogger, which is dated October 21st, and it is much more specific. This letter is addressed to Mrs. Rosemary D'Ascenzo, President of our Planning Commission.

"Dear Mrs. D'Ascenzo:

At the Planning Commission's public hearing on Tuesday, October 11, 1983, the Greater North Side Development Corporation agreed conceptionally that the North Side Civic Development Corporation should receive UDAG funds to rehabilitate the United

Parcel facility. We also proposed that the North Side Civic Development Council engage in a joint venture, with North Side contractors, to assure minority participation.

We are aware of the City's commitment to meet Federal compliance and the laws which govern the distribution of UDAG funds. We feel that the letter of the law should be adhered to, and as law abiding citizens, we cannot support the distribution of UDAG funds to the North Side Civic Development Corporation until the following criteria is met prior to the final submission of the plan. The enumerated criteria is mandated by Law:

A detailed description of the minority business plan.

A detailed description of the affirmative action plan.

A detailed program/plan for resident employment.

Members of our Corporation and the citizens of this community believe in the economic progress. We trust that the North Side Civic Development Corporation will meet the requirements of the law. When a detailed description of all of the above becomes final, we hope that it be shared with our Corporation.

Sincerely,

Becky L. Cogger".

Mr. President, without belaboring this point, as Council is aware, I asked to have the bill held, 3787, for two weeks, Wednesday a week ago. At that time, I believe that some of the concerns that Ms. Cogger and her organization raised could be addressed and perhaps resolved. Subsequent to that, we became aware that if, in fact, the City did not move expeditiously to apply for this

UDAG grant by October 31, 1983, we would lose the opportunity for the present developers to develop 1000 California Avenue.

I felt it was in the best interests of the City to move expeditiously in this matter and did share that with Council as well as some of the parties that Ms. Coger represents. I do think, however, that the record should reflect that the North Side Civic Development Council did meet with the Minority Business Enterprise Review Committee and did make a very serious attempt to address any concerns that that committee raised, and I am satisfied to-date with the material that they have forwarded relative to the MBE issue.

I am also basically satisfied that their projection to hire 35 percent of their projected employees from the North Side and 20 percent minorities from the North Side goes a long way to addressing some of the concerns that Ms. Coger has raised. I do think, however, that prior to our actually submitting the application for the UDAG that the Planning Department and our Urban Redevelopment Authority should respond to Ms. Coger's letter of October 21, 1983 and give to her and her organization some written indication as to how the items that she has listed, three items, are going to be addressed.

Also, I think that it would be appropriate for us to note that, prior to the UDAG actually being accepted by the City and not starting work, that this Council will have to approve the receipt of the moneys and we will have to approve some sort of disposition agreement with Urban Redevelopment Authority, so that Ms. Coger and her organization should not feel that because we are moving on with this project at this point, that we're ignoring the concerns that she's raised in her October

21, 1983 letter.

Also, I think that it would be wise for us to recognize that the development on the North Side has been spurred along by the North Side Leadership Conference, which the North Side Civic Development Corporation is a very important cause; and we certainly don't want to cast any aspersions on their very positive efforts to work with the City in that regard, but by the same token, those issues that have been raised in these two communications I think are valid concerns and concerns that can be worked out, and I'm sure that reasonable people will see to it that that occurs. Thank you.

The Chair

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 3907

Report of the Committee on Supplies for October 19, 1983 transmitting one

resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3752

A Resolution entitled, "Resolution providing for a Contract or Contracts for renovations in the Law Department and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 6 NOES 3

VOTING NO:

Mr. Givens	Mr. Robinson
Michelle Madoff	

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3908

Report of the Committee on Parks and Recreation for October 19, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3858

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Homewood-Brushton Chamber of Commerce Athletic Club, Inc., for professional services relative to their Sports Program, and transferring the sum of \$10,000.00 from Code Account No. 10, Accounts Payable Prior Years, to Code Account No. 1838, Miscellaneous Services, Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 3909

Report of the Committee on Lands and Buildings for October 19, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3810

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts in connection with the rehabilitation of various fire stations including the removal of asbestos and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3811

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in the 27th Ward of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$500.00, as indicated per the listing below."

Which was read.

Also,

Bill No. 3812

A Resolution entitled, "Resolution amending Item B of Resolution No. 581, approved June 21, 1982, which authorized the sale of property in the 28th Ward, being vacant land on Idlewood Road, known as the Bell Farm Property, designated as Block and Lot 67-B, Part 2 to Crown Wrecking Co., Inc. for the sum of \$57,700.00."

Which was read.

Michelle Madoff:

I'm better off to be consistent, I don't vote for anything for Crown Wrecking Company.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3813

A Resolution entitled, "Resolution amending Item A of Resolution No. 72,

approved February 15, 1983, which authorized the sale of property in the 4th Ward, located at 2134 Fifth Avenue, designated as Block 11-K, Lot 56, to Anthony F. Williams, for the sum of \$1,500.00."

Which was read.

Also,

Bill No. 3814

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

We have some guests here from the American Governmental System - A Multi-Regional Group Project. The guests that are here, one from Bangladesh, Mr. Hasan Saeed; Colombia, Ms. Juana Margarita Salamanca Uribe; Egypt, Ms. Inas Hafez Nour; Jamaica, Mr. John Hearne; Romania, Mr. Ioan Sebastian Anastasescu; Thailand, Mr. Thirapat Serirangsan; Yemen Arab Republic, Ms. Nooria Al-Hammami; Zimbabwe, Mr. Beki Sibanda. That concludes the list of our guests. I wonder if they'd all stand and we'll give them a round of applause. It's nice to have you, and you're very welcome, thank you.

Michelle Madoff:

May I comment, Mr. President. Mr. Hayllar, the Mayor's aide, was telling them outside the door this was the routine, usual sort of routine kind of Council. I hope you've found it not so routine.

Mr. O'Malley presents

WHEREAS, the Greater Pittsburgh Area Chapter, chartered in October 1967, was the third chapter of the National Organization for Women in the United States; and

WHEREAS, the Pittsburgh Area has provided leadership in the National Organization for Women, including:

Wilma Scott Heide, first Pennsylvania State Coordinator, Convener of the Greater Pittsburgh Area Chapter, who went on to become the second Chair of the National Board of NOW, 1970-71, and the third National President of NOW, 1971-74; and

Eleanor Cutri Smeal, who joined

the Greater Pittsburgh Area Chapter in 1970 and founded the South Hills NOW Chapter in 1971, founded Pennsylvania NOW in 1972-73, and went on to Chair the National Board and then to serve as National President of NOW from 1976 to 1982; and

WHEREAS, the Greater Pittsburgh Area Chapter grew and divided until there are seventeen NOW chapters and several thousand NOW members in the Greater Pittsburgh Area; and

WHEREAS, in spite of landmark actions in advancing women's rights, many of them originating in Pittsburgh, women still earn only sixty cents to the dollar that men earn and are severely underrepresented at all levels of political and economic life; and

WHEREAS, in these times of economic hardship, Pennsylvania NOW is needed more than ever; and

WHEREAS, Pennsylvania NOW will celebrate its 10th Anniversary at the State Convention in Pittsburgh on November 11, 1983 through November 13, 1983.

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh welcome Pennsylvania NOW to their Convention in the City of Pittsburgh and join Pennsylvania NOW in its efforts to bring women into full participation in the mainstream of American society now.

Mr. O'Malley moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Givenst:

Mr. President, very reluctantly, I must bring up that many of the things that were mentioned of the Women's Movement and what has to be done to rectify some of the situations are very much in front of us and very much a political reality. However, in welcoming the Pennsylvania NOW to the City of Pittsburgh, Pennsylvania, I must say what this organization stands for, and before each and everyone of us vote on this, there are certain comments that must be made.

The NOW policy and endorsement, and I'm reading from the following resolutions that were past by the National Convention of which the Pennsylvania delegation and the local delegation of NOW are part of the National Organization of Women, NOW and October, 1982 is reprinted in its entirety; and one of those resolutions was the Reproductive Rights Resolution. In there there are two 'Whereas', and 'Therefore, Be It Resolveds', and down on paragraph three it continues, and they quote here, and I quote their resolution, the NOW resolution adopted at the International Convention 1982, that they want to continue to expose the role of a Catholic Church Hierarchy and the anti-abortion and anti-control movement.

Mr. President, I submit that that is discriminatory against the religion of people within the City of Pittsburgh, five Council Members I know of that religion within this Council right here, and I can't see how we can welcome a particular group that picks out any particular church and denounces it.

Secondly, Mr. President, before us we have letters and telegrams, one from the Pastor Kenneth G. Smith from the Presbyterian Church wherein he asked

this Council through his Presbyterian Church to please vote against the NOW Organization and this particular resolution that's before us today.

We also have a telegram that came in that the first priority of the National Organization for Women is to promote the killing -this is this telegram- promote the killing of unborn children as a reproductive right. We strongly object to this organization being welcomed to the City of Pittsburgh, Sincerely, Helen Cindrich, President of the People Concerned for the Unborn Child, and also, Doris Grady, who is in the room today.

Also, along with another telegram that was addressed to this Council of which all you received copies of is the Family Forum of Pittsburgh strongly opposes Council's consideration of Resolution 924 before us now. The National Organization of Women with their anti-family, anti-life, anti-God, anti-Catholic position should not be welcomed in our fair City.

Just one more thing, Mr. President, that it goes further and deeper than the religious aspects of what this organizations stands for. There were resolutions also passed that included the promotion of lesbian rights. Also, there were resolutions passed favoring the legalization of prostitution. There are also resolutions passed opposing school prayer, tax tuitions credit, which this Council's already acted on and passed for parents of private and school children; and NOW has a policy to endorse for public office only those candidates who support the NOW goals and positions on issues. Therefore, it is very interesting that this is a political organization. They have a Political Action Committee set up, and I think something of this overtone should not be permitted to be put in a form of a resolution and acted

upon in the City of Pittsburgh, because, in fact, it is a political entity with degrading remarks to the faith of many, not only Catholics, Protestants, but also the Jewish community. Thank you, Mr. President.

Mr. O'Malley:

Obviously and evidently Councilman Givens didn't read the resolution, because the resolution deals with the social and the economic problems that face many women today. Also, if because Mr. Givens disagrees with certain resolutions that NOW proposes, that we would ban this organization from having a convention in the City of Pittsburgh, then evidently someday somebody can ban Catholics from having a convention in the City of Pittsburgh, because they disagree with Catholics, or they disagree with Irish, or they can ban Italians. I think Mr. Givens has to remember that old Irish cliché that says I might disagree with what you have to say, but I certainly agree that you have a right to say it.

Mr. Givens:

Thank you, Jim, and I'd like to respond.

Mr. O'Malley:

I'm not finished, Mr. Givens.

Mr. Givens:

No, I'd like to respond to that by saying that I do not want to ban anyone from the City of Pittsburgh. I do not want to welcome. I do not to welcome—

The Chair:

Wait. Let's get the record straight. They're going to have the convention whether you or I or whoever

votes for the resolution.

Mr. Givens:

That's right, Mr. President; I don't care if they have their convention, where they have their convention. I'm saying that a resolution in this Council welcoming them to the City of Pittsburgh is against many of the religious faiths in this City and especially the Catholic faith, which makes up over a quarter of a million people. I don't think they would appreciate it for this Council to get into a political, moral issue that we should be involved in.

I am not saying that they cannot do or anybody cannot do whatever they want to do within this country. Mr. O'Malley misinterpreted my remark.

Mr. O'Malley:

Well, I take strong exceptions for you representing the entire Catholic community in the City of Pittsburgh, Mr. Givens.

Michelle Madoff:

And all of women, too.

Mr. O'Malley:

And all the women of the Catholic denomination.

Mr. Givens:

I am not representing anybody but myself when I sit on this Council and the people who elected me to this body.

The Chair:

I think he brought up a very good point.

Mr. O'Malley:

I would like to make one more comment. Saturday night I watched a documentary on John F. Kennedy. It was in 1961. He was asked a question by a woman newscaster, what have you done for women's rights, and 20 years ago, John Fitzgerald Kennedy's answer was not enough but we're working on it. Here it is 20 years later, and we're still asking the same questions, what can we do to improve the role of women in society today with equal pay, and equal rights in all levels of society; and I think if each of us elected officials was to ask that question, what have we done to help women today, I think we'd have to give the same answer than John Kennedy gave 20 years ago, not enough but we're still trying, thank you.

Michelle Madoff:

Mr. O'Malley, would you please stay where you are. I'd like to respond to you. I think you are to be commended because you did not make this a religious nor a political move. All you said and the gut of what you said is that women still earn 60 cents to the dollar of what men earn; and you could have gone on, I'm sure, to say that in the course of events when the economy suffers, the first to go, the last to be hired are generally women, and many are heads of households.

I don't think any thinking person in this room would ever want their children—I have a 23 year old daughter—to practice birth control via having an abortion. That is not an acceptable form of birth control. We certainly would advocate that we would advocate education. In the past Councilman Givens, in his infinite wisdom, has repeatedly tried to bring resolutions before this Council that were religious in overtone; and that were not separation

of state and church. In your resolution you do not do that. Again, I commend you.

The business of pro-life is one that does not deal with this Council. It deals with the state and the judiciary of our land. I am a law-abiding citizen, and I obey the law of my land. I think the most important thing that we ought to add on to this, if I may take the privilege, I am a member of the NOW movement. One of the things they're going to be talking about and voting on at this probably landmark NOW meeting is that we have a woman vice-president. I think that goes again to the 60 cents on the dollar. Maybe we've a vice-president who's female, and I would not object if she was a minority female, Councilman Robinson.

I think it's time that we started to spread the wealth and I think that's what you're saying; and all you're saying is they're going to be here, women should be paid what men are being paid; and you have not raised the issues that don't belong in this Council, and I commend you a third time.

Mr. O'Malley:

Thank you.

Mr. Flaherty:

I have a question for the chief critic of the bill, Councilman Givens. Is it not true that, for example, the antithesis of NOW is the People Concerned for the Unborn Child on the issue of abortion; correct?

Mr. Givens:

I'm saying the NOW policies and endorsements at their National Convention advocate and discriminate—in their Section 3 they want to continue

to expose the role of the Catholic Church Hierarchy and the anti-abortion, anti-birth control movement, and they also promote lesbian rights. They also favor legalizing prostitution under the rationale of a fight to control one's own body. They oppose school prayer, tax tuition, and etc., and etc.

Any organization that advocates by resolution and their organization that, regardless of how good their intentions are, and as Mr. O'Malley so stated up there, the good John F. Kennedy, if you'd ask John F. Kennedy some specific questions on these resolutions, I'm sure he would have voted against them, as I am voting against them here today. I am not saying that there is not a problem out there that we should not fight and help the women to obtain the type of equality that they deserve. That is not my point.

My point is that we are welcoming an organization that has a platform, and within that platform they have certain resolutions that they have adopted as a national policy, and that they take this into the political realm, into the political realm; and as a result, I would ask that this be tabled in this Council and not be brought forward as a moral issue.

Mr. Flaherty:

Is it not true that People Concerned for the Unborn Child endorse candidates and are politically active?

Mr. Givens:

Answer your own question.

Mr. Flaherty:

Yes, they are. Would you oppose this resolution if People Concerned for the Unborn Child were having a convention here? Would you oppose

welcoming them to the City of Pittsburgh?

Mr. Givens:

I oppose this organization here for what they stand for. No, Mr. Flaherty, we have before us Bill 924. Please keep your comments to that bill.

Mr. Flaherty:

Okav. Well, it seems to me, Councilman Givens, you have addressed the issues of abortion.

Mr. Givens:

No, I haven't addressed them, excuse me. The NOW policies and endorsements have made those statements. They are not Dick Givens' statements.

Mr. Flaherty:

Why are you so opposed to NOW because of their stands on abortion, minority life, of the issue of birth control, school prayer, tuition tax credits when Senator Edward Kennedy was in support of every one of those and you were one of the leading supporters of Senator Kennedy four years ago? I can't see why you can discriminate against NOW— Well, not discriminate, but there's such an inconsistency.

You referred to John Kennedy. Well, we don't know how John Kennedy would have stacked up on these issues. I don't agree with you. I think he would have voted in support of these issues, but Senator Edward Kennedy certainly is on the record solidly for a woman's right to have an abortion, supporting minority sexual rights, supporting birth control, against school prayer, against tuition tax credit, so there's a certain inconsistency that I think certainly blows a hole in your

argument.

Mr. Givens:

He's getting totally off the subject. I don't know what he's talking about.

The Chair:

He is. I agree with you 100 percent.

Mr. Flaherty:

What I'm talking about is that NOW is an organization. For example, I myself may not be totally supportive of everything they believe in or their strategy, but regardless of that, I don't think they should be blackballed because you personally do not agree on a few of their stands. If you would agree that they are doing a lot of good work as far as employment for women, as far as the economic plight of women, as far as proper child care for women, as far as proper housing for women, and you could go on and on; and so I really can't see the logic of your so strongly opposing NOW on the issue of abortion and the other ones we have talked about when you so strongly supported Senator Kennedy and he stood for everything that NOW stands for.

Mr. Givens:

I'd like to respond to that. Well, I think—

The Chair:

Mr. Givens, maybe I can answer Mr. Flaherty. I don't know if he was at the hearing or was in Council at the time, maybe it was four or five years ago, where NOW asked for a hearing in regards to the same thing you're talking about, and the only thing they discussed

at the hearing was lesbianism. They started out by one girl saying, "I am a lesbian; there's my partner," and three or four others got up and said, "We're partners also," it got off the—

Michelle Madoff:

Why are you so threatened by somebody's sexual preference?

The Chair:

They weren't talking about jobs anymore. All they talked about was lesbianism, and the man is making a point there, a very good point.

Mr. Givens:

Anytime any organization discriminates against any church in this nation of ours, then I don't think they're worthy to be welcomed into this City. It's not Dick Givens saying it; I'm reading their policy, their policy.

The Chair:

Roll call vote.

Mr. Flaherty:

I am in support of the resolution, because I haven't heard any compelling arguments why we should be opposed to it. I think that the National Organization for Women is a nationally recognized group by all important aspects of this society or politicians or churches, the media, the financial community; and simply because we do not agree with NOW, simply perhaps because some of us may not agree with some of the tenets that they have filed, I don't see any reason why we should discriminate against them.

I will go on record that I would welcome the People Concerned for the

Unborn Child if they were having a convention here, even though I may not entirely agree with their platform; but what I am saying I think NOW and I think People Concerned for the Unborn Child, and I use them because they are the extreme opposites, they certainly are debating issues that are legitimate in this country, and I applaud the both of them for doing that. I think that's what this country is all about and that's what makes the system go; and so if I wouldn't discriminate against the one, I'm not going to discriminate against the other.

Mr. Givens:

I pray for the leadership of NOW, and what I heard from Mr. Flaherty over here and the wishy-washy on the one side and the wishy-washy on other side. The good Lord said, I would vomit that person out.

Michelle Madoff:

Mr. President, I concur with what Councilman Flaherty has stated. He is essentially protecting the First Amendment; but I would like to add that when this Council voted for the Cable Company, the one person who voted for A.T.C. that had spermathons— and for those who may not know what a spermathon is, it's a woman making it with 80 guys to break the Guinness Book of Records— the only person who voted for A.T.C. was our esteemed Mr. Givens who's so worried about morality. I vote with the bill.

Mrs. Masloff:

I vote aye.

Mr. O'Malley:

I vote aye. I'd like to comment that the bill does deal with the social and the economic conditions facing women

today. I should have expanded it to deal with decent housing, day care centers, because in the '80's, times are changing. Unfortunately, we don't know whether they're changing for the best or they're changing for the worst, but I think NOW is to be commended for bringing many of the problems that face and confront women into the forefront for open discussion. You can't solve a problem unless the problem is discussed and you find out what causes the problem.

Mr. Robinson:

I vote aye.

Mr. Stone:

I believe the issue before us now is whether or not NOW at this particular time is welcome in the City of Pittsburgh, and relative to that matter, I can but say that everyone has different views; and if in this country everyone had the same view, as is said many times, when two people agree 100 percent, one is useless. They have that right under the Constitution of the United States to expound the theory, and I would like it clearly understood that anytime I vote to welcome anyone in this City, that doesn't mean that I agree with what they say.

In the process that they have, the view they have today may change tomorrow, I don't know; but in the processes that they have within their organizations, that might well be. I am reminded that the Republican party meets in this City, and far be it from me as a Democrat-- obviously, I don't agree with anything they have to say, but they're still welcome in this City. Maybe we can change their ways. I'd like to see the President come here and explain the unemployment, and to keep him out wouldn't help the cause; but nevertheless, the issue, again, as I said,

now is whether or not NOW can come here to Pittsburgh, and in that sense, I vote for it.

Mr. Woods:

I agree with everything Bob said and a few other speakers. I don't particularly agree with all the plans that NOW has on their platform, but I do agree they should be welcome. We do this dozens of times every year where there are many groups I don't agree with, but all we're doing is simply welcoming them to the City of Pittsburgh. I vote aye.

Mr. DePasquale:

Well, it was stated earlier it's not a vote whether NOW is coming into town or not; they're coming here regardless. It's not a case where they're welcome or not. I just think, as Mr. Givens pointed out, there's some issues about NOW and some things about them that are just rather difficult for a person like him to accept and myself, for that matter, and I'm not happy about them coming here. I wouldn't try to stop them from coming here. I certainly am not going to welcome them with open arms. I'm going to vote no.

Michelle Madoff:

It's a good thing you're not running for office.

The Chair:

I told them that when I was running for office too.

Michelle Madoff:

There's more women that vote sir.

The Chair:

Then the filthy mouthed pigs got on the phone and started calling me all kind of names.

Michelle Madoff:

There are also filthy mouthed men. Let's not discriminate against women. You married one. We don't discriminate women, ever.

The Chair:

I guess you're going to stand up for the one that's up for murder too. Is there something you'd like to say about her?

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	

AYES 7 NOES 2

(MR. GIVENS AND MR. DEPASQUALE VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair presents

Bill No. 3910 Communication from Richard S. Caliguiri, Mayor, City of

Pittsburgh, appointing John J. Sciallo of 336 Gross Street, Pittsburgh, Pennsylvania 15224, as a member of the City Planning Commission for a term to expire January 1988.

Which was read, received and filed.

The Chair presents

Bill No. 3911 Resolution approving the appointment of John J. Sciallo be and the same is hereby approved and confirmed as a member of the City Planning Commission for a term to expire January 1988.

Which was read.

Mr. Stone moved to hold for two weeks.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

Correction on the minutes, on Page 1357 under my comments on the right hand side, there's a word which doesn't belong there. The sentence reads, I should mention that they have been in the food distribution business a long time, long before the current, the word should be crisis not prices, thank you.

Mr. Givens moved to approved the minutes of Monday, October 10, 1983.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, October 31, 1983

No. 42

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, October 31, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Robinson:

I would like to ask three people if they would please come forward to receive this resolution and make some comments. First, Mr. William Neal,

better known as Bill Neal, who is the founder of the Champions Association and it's Executive Director, Mr. Vince Lackner who is the Legal Consultant for the Champions Association and a young man who has done a lot of work with this organization and has contributed a lot of his time. A third gentleman who many of you may know, a man who is a champion of this City, Connie Hawkins who played here with the Pittsburgh Pipers, played with the Phoenix Suns, played with the Harlem Globetrotters, played with the Atlanta Hawks, and the way the Steelers played Sunday we may have to put him out there to play with the Steelers next week. But Connie has come to our City from Brooklyn, New York, and has been a real fine gentleman here in our town and someone I think we all can admire and our young people can look up to.

Certainly these three gentlemen would like to share with you some comments after I read this resolution and hopefully Council will see fit to enact it.

Mr. Robinson presents

Bill No. 3981 WHEREAS, for the past ten (10) years, the Champions Association Inc., has been providing education, recreational and social programs to members of the Pittsburgh Community and Tri-State area, with a special emphasis on youth; and

WHEREAS, during that time we have featured such national and internationally recognized programs as the Connie Hawkins Basketball League,

the Ultimate Force of Master Jacquet Bazemore and the Champions Sport Show; and

WHEREAS, in our continuing effort to "Help others help themselves", we now set our objectives on another ten (10) years, and with your help we will be able to help others realize their full potential and discover that Ultimate Force that lies within all of us to do whatever we set our minds to do; and

WHEREAS, a special thanks goes out to Connie Hawkins, Willie Stargell, Jacquet Bazemore, Lisha Beasley, Kenny Durrett, Franco Harris, Robin Cole, Councilman Bill Robinson, Mayor Richard Caliguiri, Louise Brown, Cynthia King, Harvey Adams, Bob Pitts, Reverend Duane Darkins and Governor Dick Thornburg for their tremendous support over the years and to the many fine individuals that have served as staff and volunteers for the organization. Without their support, we would not be where we are today.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh, on behalf of its citizen, does honor and recognize the Tenth Anniversary of the Champions Association, Incorporated, and its founder, Bill Neal.

Mr. Robinson moved to approve the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

As I said before, these gentlemen represent the Champions Association.

Mr. Neal:

On behalf of the Champions Association, Inc., I would like to thank City Council and most especially Councilman Bill Robinson for the support you have given us over the last five years. Our ten year existence has been a very long and hard struggle but because of your support the last five have been a lot easier. We started back in 1974 with the Homewood Brushton YMCA, just a small basketball league, and today boast of one of the top five basketball leagues in the country. I should add that that basketball league is now operated by Betty Coleman who is the only woman in the country who operates a league of that size. She, along with the staff of four other women and two other men, are responsible for that on-going summer program. Jacquet Bazemore's martial arts exhibitions and demonstrations that go on throughout the City and different parts of the country have been a major force in our operation as well as our job placement, our youth internships throughout the summer, college placement and general assistance to youth and senior citizens.

So, for as much as I can say about the organization, as proud as I am of it, I will end by saying that we greatly appreciate your support and needless to say, we hope that the support continues on an even larger scale.

Mr. Lackner:

I just want to reiterate what Bill has said about the recognition you have given the organization through this proclamation and the financial support you have given us with your grants in the past. Since my office handles the legal matters and recently the financial accounting, which we do in great detail, I know that it would not be possible to run the league at all without this kind of

support. Without the league we couldn't be providing the kind of community service to both the members of the community and the youngsters who come out and watch the games and mingle with all the players without the kind of support you've given us.

So, again, I am very, very grateful to you for making that available and we hope that it can continue in the future. Thank you.

Mr. Neal:

I'd like to give what I think is a proper introduction of Connie Hawkins. When we started this operation ten years ago, Connie was the person who lent us his name, so to speak. At that time, we needed to have someone's support, not only for local accomplishment but for national accomplishment as well. Connie had just retired from the Los Angeles Lakers and he was kind enough to lend us his name and because of his name we've been able to achieve a lot of things across the country. Because of his name we've also been able to attract people like Franco Harris and Willie Stargell to our operation. I can't say enough about what Connie has done for us, just by some of the phone calls he's made and some of the people that he's brought to town on our behalf he's been a mainstay in the operation and as he acts as Chairman of the Board of the operation I just want to say publicly that we want to thank him.

Mr. Hawkins:

As you know, to run an organization it takes capable people and able bodies to do the right things and I'm just glad that Bill Neal is running the league as well as he is and I hope he continues to run it for the rest of his natural life.

Mr. Neal:

I'd also like to introduce, if I can, a member of our organization, John Thomas, who handles the promotions in the operations and our fund raising. I'd also like to introduce my father. Without him I would not be here today.

Again, we thank you for your support. You all found a Connie Hawkins League tee shirt on the back of your chair and it's sponsored by Anheimer Busch, Budweiser locally, Frank B. Furher wholesale company. We gave the ladies the white shirts because they are the smaller sizes.

Mrs. Masloff:

I want to thank you for this small size.

Mr. Neal:

You're more than welcome.

Again, many thanks and we hope that we'll be around for many more years to come. Thank you.

The Chair:

Thank you gentlemen, and congratulations.

Mr. Givens presents

Bill No. 3982 WHEREAS, on October 31, 1983, the Bloomfield Citizens Council will sponsor its annual Halloween Parade; and

WHEREAS, this parade draws thousands of spectators and participants from the East End neighborhoods, making it the largest of its kind in the City of Pittsburgh; and

WHEREAS, under the motivation

and leadership of current President John Giancola, the Bloomfield Citizens Council has maintained this tradition for over a decade; and

WHEREAS, past officer Janet Scullion has, through the years, been a vital part in the formation of this event.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council, hereby recognize and commend the Bloomfield Citizens Council and President John Giancola and past officer Janet Scullion for their hard work and devotion in the organization of their annual Halloween Parade and extend sincere gratitude to them for preserving this great tradition and thus enhancing and perpetuating community pride in our City.

Mr. Givens moved to approve the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens:

This is a great parade and it's one that has been going on for many, many years and has been something that has drawn the children prior to all the vindictiveness that has happened throughout this country and what some people do on Halloween. This tradition has been going on for many, many years and for that particular community they bring many bands and groups in from all over the City. It is a tradition and it's part of what our neighborhoods and our communities are all about. I've attended several of these over this past weekend in the West End and up in the Sheridan area, and the Morningside area. The one in the Stanton Heights area on Friday I

had missed. But this is neighborhood involvement. This is what it's all about and it's something that our children remember, especially myself. I remember when I was a little kid doing our thing during Halloween day. Halloween is still a very important part of the traditions of our lives and our lifestyles in the City of Pittsburgh. And I have to say, comparing Pittsburgh to other areas of the country, we do a lot for our local children here. I remember one time here, some six or seven years ago, when Jim Lally and myself came into Council with a funnyface on.

The Chair:

Thank you and congratulations to Mr. Giancola and Janet Scullion.

Michelle Madoff:

Excuse me, Mr. President. Point of order and direction. I have two bills that are being introduced as resolutions. They may be, at your discretion, resolutions from the floor but I am afraid that, as I have raised this issue once before, our Chairman of Finance will say it's not appropriate and that we'll address it at budget time. I want to be sure since we're approaching budget time that the bill goes in to address the members of the Personnel Appeals Board changing to \$100 per diem. And then there's the police officer who saved someone from suicide and we would not reimburse him for his glasses.

I would like to have that motion before Council. I'm introducing it as a resolution. I think it shouldn't be necessary to get a policeman a pair of glasses by resolution but I want to be sure that I'm not overruled, as I frequently am, so if I submit it, it becomes the official business of the day.

The Chair:

I don't quite follow you. Do you want to submit it when you're called upon or what?

Michelle Madoff:

I'm just asking if you would like to take it as a floor resolution. We can do that.

The Chair:

Why don't we wait until we come to it. Okay?

Michelle Madoff:

If not, I'm just going to submit it as a regular resolution.

The Chair:

You can do it either way, Michelle.

Michelle Madoff:

What about the per diem on the Appeals Board? I think I'll leave that as a resolution for discussion because otherwise we both know what's going to happen.

Mr. Flaherty presented

No. 3916 Resolution authorizing the sale of property in the 19th Ward of the City of Pittsburgh, designated as Block 1 E, Lot 100 to Riverfront Properties, a partnership, for the sum of \$15,000.00.

Which was read and referred to the Committee on Lands and Buildings.

Mr. Flaherty moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day

following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3917 Resolution providing for the issuance of a warrant in favor of Air & Power Service Co. in the amount of \$2,800.00 for the installation of a compressor in the No. 2 EdPac Unit located in the computer room of the Public Safety Building, chargeable to and payable from Code Account 1364 Repairs, Department of Lands and Buildings. Prior approval by Council Bill No. 2327, dated January 26, 1983.

Also,

No. 3918 Resolution transferring the sum of \$7,000.00 from Code Account 1362-2, Electric Current to Code Account 1362, Supplies in the Department of Lands and Buildings.

Also,

No. 3919 Resolution transferring the sum of \$6,000.00 from Code Account 1363, Materials to Code Account 1364, Repairs in the Department of Lands and Buildings.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3920 Resolution providing for an Agreement/s and/or a contract/s for construction in connection with site stabilization and repair of a retaining wall on City property on Concord Street, 23rd Ward, at an aggregate cost not to exceed \$25,000.00, chargeable to and

pavable from Rents City Owned Property Trust Fund (RCOPSTF), Department of Lands and Buildings.

Also,

No. 3921 Resolution providing for a contract/s including the use of existing contracts for construction in connection with renovations to Bloomfield Recreation Center at a cost not to exceed \$35,000.00, chargeable to and payable from LB 82-11 (4-25-15-2030-82), \$9,247.56 and LB 83-20 (4-25-15-2030-83), \$25,752.44 Renovations of Various Park Facilities, Department of Lands and Buildings.

Also,

No. 3922 Resolution providing for a contract/s including the use of existing contracts for service and repairs to the HVAC system at the Aviary at a cost not to exceed \$13,000.00, chargeable to and payable from LB 82-11 (4-25-15-2030-82) Miscellaneous Parks Renovations, Department of Lands and Buildings.

Also,

No. 3923 Resolution providing for a contract/s including the use of existing contracts for construction in connection with Renovations to the Treasurer's Office at a cost not to exceed \$30,000.00, chargeable to and payable from LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Department of Lands and Buildings.

Also,

No. 3924 Resolution authorizing the sale of property in the 2nd Ward of the City of Pittsburgh, designated as Block 8 S, Lot 164, 24 8th Street, to Frank J. Schneider for the sum of \$525,000.00.

Also,

No. 3925 Resolution repealing Item E of Resolution No. 802, approved August 12, 1982, for the sale of a 2 story brick house on 1011 Manhattan Street 21st Ward, designated as Block and Lot 7-B-235, to Antoinette Wayman (Assigned to Kathleen Connors) for the sum of \$1,000.00. Resolution is to repeal sale.

Also,

No. 3926 Resolution repealing Item J of Resolution No. 311, approved April 22, 1983, for the sale of a 2 story frame house located at 1323 Hartwell Street (28th Ward) Block and Lot 40-M-207, to Ruhullah Barezai for the sum of \$3,000.00. Resolution is to repeal sale and return hand money.

Also,

No. 3927 Resolution repealing Item F of Resolution No. 159, approved March 7, 1983, for the sale of a 2 story brick house at 1325 Columbus Avenue, designated as Block and Lot 22-K-30, to Carl M. Henderson, for the sum of \$1,200.00. Resolution is to repeal the sale and return the hand money.

Also,

No. 3928 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 3929 Resolution providing for the issuance of a warrant in favor of J-

Jac Construction Company, in the amount of \$81,000.00 in payment for an emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the right-of-way on Exchange Way between Eighth Street and Ninth Street in the Second Ward of the City of Pittsburgh and providing for the payment thereof. Funds are available in Code Account PW 83-17, 4-01-25-0753-83, Sanitary Sewers in Various Locations. Prior approval by Council Bill No. 3843, dated October 26, 1983.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3930 Resolution transferring the amount of \$25,000.00 from Code Account 1612-4, Salt, to Code Account 1612-5, Rental of Equipment, both accounts within the Bureau of Operations, Department of Public Works.

Also,

No. 3931 Resolution authorizing and directing the Administration to request the Pennsylvania State Legislature to change the number of Civil Service Commission Members from the present 3 members to 5 members, and to amend Article 14 of the Civil Service Statute as to allow all names passed over in the selection of a class remain eligible for subsequent classes.

Also,

No. 3932 Resolution authorizing and directing the Administration to conduct an investigation and evaluation on the procedures used by Pittsburgh Psychological Services relative to the administering of the psychological portion of the examination for Police Officer.

Also,

No. 3933 Resolution authorizing and directing the Mayor and the Director of the Department of Personnel and Civil Service to take the necessary steps to allow all candidates for Police Officer currently declared ineligible by psychological testing to be reinstated to the eligibility list and reevaluated and to allow the current eligibility list to remain for a period of three years to allow those passed over a fair opportunity of being hired.

Also,

No. 3934 Resolution authorizing and directing the Mayor and the Director of the Department of Personnel and Civil Service to write into the City's Civil Service Rules a method of appeal relative to the psychological testing of candidates for Police Officer and to prohibit any candidate from being tested by the same psychological service on subsequent applications.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3935 Resolution granting unto Cigna I Restaurant, its successors and assigns, the privilege and license to construct, maintain and use at its own cost and expense, seven (7) tree planters in a portion of the sidewalk of 49th

Street, in the Ninth Ward of the City of Pittsburgh.

Also,

No. 3936 Resolution providing for an Agreement or Agreements with Michael Baker, Jr., Inc., for Preliminary Design and License Application in connection with the proposed Hydroelectric Plant at Allegheny River Lock and Dam No. 2; and providing for the payment of the cost not to exceed \$315,000.00. Funds are available in Code Account PW 83-40, 4-01-30-0100-83, Hydroelectric Plant at Allegheny River Lock and Dam No. 2.

Also,

No. 3937 Resolution further amending Resolution No. 1385, approved December 27, 1982, effective January 1, 1983, as amended, entitled, "Adopting and Approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating a new line item and adjusting the Summary Totals.

Also,

No. 3938 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Ram Construction Company, Inc. for Extra Work in connection with the Removal of the Rock Slide from Saw Mill Run Boulevard, at a cost not to exceed \$145,000.00, payable from Code Account No. PW 82-28, Saw Mill Run Boulevard Rock Slide.

Also,

No. 3939 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization

for payment to Michael Facchiano Construction Company for Extra Work in connection with the Concrete Step Construction on Halsey Place from Colorado Street to Mannheim Street, at a cost not to exceed \$4,486.31, payable from Code Account No. PW 81-34, Step Reconstruction.

Also,

No. 3940 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting interim approval for payment to Sphere due for advertisement in connection with the publication of a job classification description for an Engineering Division Supervisor - Traffic Engineering, Department of Public Works, at a cost not to exceed \$273.00, payable from Code Account No. 1502, Misc. Services, Bureau of Operations, Department of Public Works.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 3941 Resolution authorizing the issuance of a warrant in favor of Pittsburgh Police Officer William G. Ford as reimbursement for broken eye glasses incurred while rescuing a potential suicide victim, chargeable to and payable from Code Account No. 1001-1, Misc. Services, City Council.

Which was read and referred to the Committee on Finance.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 3942 Resolution setting the wages of the Members of Pittsburgh's Personnel Appeals Board at One Hundred (\$100.00) a day per diem beginning January 1, 1984.

Michelle Madoff:

Because of the dispute as to whether to do it as a floor resolution or to do it as a resolution, may I waive Rule 8 on the two bills? I don't want the policeman waiting for his glasses indefinitely and I want a decision on that Appeals Board. I move on both bill to waive Rule 8.

Mr. Flaherty:

I will second the one regarding the glasses of the policeman but only that bill.

The Chair:

Is there a second on the one in regards to the Appeals Board?

There's no second so therefore the resolution fails.

Michelle Madoff:

It doesn't fail. It comes in the regular meeting a week from Wednesday. It doesn't fail at all.

The Chair:

You said you want to enter it right now; you don't want to wait until Wednesday.

Michelle Madoff:

I took them separately. I took the

bill separately on the glasses.

The Chair:

First of all, Michelle, you're going to be ruled out of order, whether it be Bob Stone or I, in regards to that second resolution because it's a budgetary matter. I know you say that you're not concerned with that and that you want to discuss it now. But at the same time, it's not to be discussed now; it's to be discussed at budget time. All we're talking about is a couple of weeks.

Michelle Madoff:

I want to be sure it's discussed at budget time.

The Chair:

It will be discussed.

Michelle Madoff:

We have a resolution and we decide that in the coming year we will fund something. We do it all the time and if we decided we're not going to fund something we do that all the time and it is not inappropriate, according to Robert's Rules or Robert Rade's Rules, to bring up a resolution that we will do something in the coming year and look at it in the budget.

Would you also see that the policeman is presented with an award for heroism for going in after someone who is suicidal? We'll give him the money for the glasses, hopefully, at the same time.

The Chair:

Okay.

Also,

No. 3943 Resolution providing for

the issuance of a warrant in favor of Siniello Construction Company, P.O. Box 4282, Pittsburgh, PA 15203, in the amount of \$200,000.00, chargeable to and payable from Capital Budget Account No. WD-81-02 (4-05-02-0986-81), Department of Water. Payment for Extra Work in connection with City Controller's Contract No. 25456, Liner Highland Reservoir No. 1.

Also,

No. 3944 Resolution providing for the issuance of a warrant in favor of Dohrmann-Division of Xertex Corp., P.O. Box 45580, Rincon Annex, San Francisco, CA 94145, in the amount of \$1,297.83, chargeable to and payable from Code Account No. 1705, Repairs, Department of Water, for repair of a Total Organic Analyser. Prior approval by Council Bill No. 3733, dated October 6, 1983.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3945 Resolution amending Resolution No. 603, approved June 14, 1982, providing for a contract or contracts for Relay of Water Line in 44th Street and providing for the payment of the cost therein by decreasing the appropriation from \$210,000.00 to \$122,458.53, payable from WD-82-05 (4-05-15-002-82-28-82-05) in the amount of \$122,458.53, Department of Water.

Which was read and referred to the Committee on Water.

Also,

No. 3946 An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Article VII, Service Businesses, Chapter 763, Parking Lots,

by adding additional safety requirements for the licensing and operation of open and enclosed parking lots.

Which was read and referred to the Committee on Public Safety.

Michelle Madoff:

On the last bill, that's the garage bill we had a public hearing on and I did not want to submit it until I had the Legal Department go over it and have some engineers give us the measurement of light so that we'd have some guidelines and specifics for the garage owners.

Mrs. Masloff presented

No. 3947 Resolution authorizing the issuance of warrants from time to time in favor of Urban Redevelopment Authority in the aggregate amount of \$1,100,000.00 in payment for reimbursement of costs in connection with the North Shore Development Project, chargeable and payable from project code PR 83-24 (4-10-01-1355-83), North Shore Development Project (Allegheny Landing Park), in the Department of Parks and Recreation.

Mrs. Masloff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 3948 Resolution authorizing the issuance of a warrant in favor of The Zoological Society of Philadelphia in the amount of \$150.00 in payment for the

purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law. Payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation. Prior approval by Council Bill No. 2469, dated February 16, 1983.

Also,

No. 3949 Resolution authorizing the issuance of a warrant in favor of San Antonio Zoological Society in the amount of \$425.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law. Payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation. Prior approval by Council Bill No. 2469, dated February 16, 1983.

Also,

No. 3950 Resolution authorizing the issuance of a warrant in favor of Fortune Glen Aviaries in the amount of \$322.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law; payable from the Aviary Trust Fund, ATF, Department of Parks and Recreation. Prior approval granted by Council Bill No. 2469, dated February 16, 1983.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3951 Resolution providing for the filing of application or applications by the City of Pittsburgh with the United States Department of Interior, National Park Service, for a grant in connection with the development of a Department of Parks and Recreation Maintenance

Management System; providing for the creation of the Maintenance Management System Trust Fund, providing for the deposit of funds into the Trust Fund; and for the payments of costs and expenses of the Maintenance Management System Project.

Also,

No. 3952 Resolution providing for a contract or contracts or the use of existing contracts for repairs at various facilities including Point State Park within the Department of Parks and Recreation at a cost not to exceed \$24,678.32, chargeable to and payable from Project Code 4-10-15-0002-82 (PR 82-18) Major Repairs and Emergencies, in the Department of Parks and Recreation.

Also,

No. 3953 Resolution providing for a contract or contracts or the use of existing contracts for the construction of a new ticket sales structure and various repairs at the Pittsburgh Zoo at a cost not to exceed \$60,000.00, chargeable to and payable from 4-10-01-0001-83 (PR 83-01) Zoo Rehabilitation, in the Department of Parks and Recreation.

Also,

No. 3954 Resolution providing for a lease or leases and/or License Agreement for the use of the facilities at 200 Tabor Street in the amount of \$8,400.00.

Also,

No. 3955 Communication from Louise R. Brown, Director, Department of Parks and Recreation, requesting authorization for Carl A. Mancuso, Craig B. Merritt and Judy Marburger to attend a Pennsylvania Recreation and Park

Society, Inc. meeting in Harrisburg, on October 25, 1983, at a cost not to exceed \$105.00, payable from Code Account No. 1838, Misc. Service, Bureau of Recreational Activities, Department of Parks and Recreation. Permission for use of City Vehicle PR4 is also requested. Prior approval granted by Council.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 3956 Resolution providing for the letting of a contract or contracts or for the use of existing contracts for the furnishing, delivery and installation of Microfilm Equipment for the Department of Emergency Medical Services and for cost not to exceed \$17,000.00, payable from the Emergency Medical Services Third Party Payer Trust Fund (EMSTPP).

Which was read and referred to the Committee on Public Safety.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Robinson presented

No. 3957 Resolution establishing conditions and requirements for the receipt, distribution, and management of Urban Development Action Grant Funds received by the City of Pittsburgh.

Also,

No. 3958 Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 12th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lot: 125-G-33, Urban Homesteading Program.

Also,

No. 3959 Resolution authorizing the URA of Pittsburgh to acquire that property in the 22nd Ward of the City of Pittsburgh owned by Richard and Karen S. Bartholomew, Jr. and designated as Block and Lot 23-K-246 in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified as blighted by the VPRC of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh.

Also,

No. 3960 Resolution authorizing the URA of Pittsburgh to acquire that property in the 16th Ward of the City of Pittsburgh owned by Sophia Sekula and designated as Block and Lot 30-E-277 in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified as blighted by the VPRC of the City of Pittsburgh and the Planning Commission of the City of Pittsburgh.

Also,

No. 3961 Resolution approving execution of a Contract by and between URA and Gloria J. Mosely for the sale of Parcel C-40 (5710 Rippey Street) in the 11th Ward of the City of Pittsburgh, for \$500.00 — East Liberty Project — Redevelopment Area No. 10.

Also,

No. 3962 Resolution approving the sale of Parcels 13 and 30A (1401 Adams and 1407-11 Adams) in the 21st Ward of the City of Pittsburgh by and between URA and D & E Management Company for \$3,000.00 — Redevelopment Area No. 27.

Also,

No. 3963 Resolution approving the sale of properties in the City of Pittsburgh by and between URA and various Redevelopers for \$100.00 per lot — Property Management and Maintenance Program and Residential Land Reserve Fund.

Also,

No. 3964 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pittsburgh — Property Management and Maintenance Program and Residential Land Reserve Fund for \$1.00 per lot.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 3965 Resolution providing for the issuance of a warrant in favor of Dan Waldan, 1621 Forbes Avenue, Pittsburgh, Pennsylvania 15219, in the amount of \$6,376.18 for refund of monies paid for purchase of properties in the October 18, 1982 City Treasurer's Sale in which the City of Pittsburgh conveyed the properties with defective titles making the sales invalid; and providing for the payment thereof. Payable from Code Account No. 43-1, Refunds, Fines, Etc., Department of Finance.

Also,

No. 3966 Resolution providing for the issuance of a warrant to Mary Ellen Keady, c/o Richard S. Ombres, Esquire, 6 Market Square, Pittsburgh, PA 15222, in the amount of \$3,500.00 in full settlement of a claim for personal injuries and providing for the payment thereof. Charged to and payable from Code Account No. 46, Judgments.

Also,

No. 3967 Resolution providing for the issuance of a warrant to Minnie Zielinski and Bernadine M. Bombich, c/o Richard L. Jacobs, Esquire, 1097 North Avenue, Pittsburgh, PA 15209, in the amount of \$3,500.00 in full settlement of a claim for property damage and providing for the payment thereof. Charged to and payable from Code Account No. 46, Judgments.

Also,

No. 3968 Resolution transferring \$9,000.00 from Code Account No. 49, Reserve Fund - Sewage Service Charges - Allegheny County Sanitary Authority, Department of Finance to Code Account No. 43-1, Refunds, Fines, Etc., Department of Finance.

Also,

No. 3969 Resolution transferring \$1,400,000.00 from Code Account No. 41, Refunds, Real Estate Tax, Department of Finance to the Real Estate Refund Trust Fund Account.

Also,

No. 3970 Resolution transferring \$5,000.00 from Code Account No. 1022, Salaries, Regular Employees, to Code Account No. 1022-1, Premium Pay.

Also,

No. 3971 Resolution amending Resolution 214, approved March 23, 1983, entitled, "Authorizing an Emergency Jobs Program; authorizing the City Controller to create a special trust fund entitled "Emergency Jobs Program Trust Fund" (EJPTF) by increasing the amount of the Agreement with the Pittsburgh Clean City Committee from \$1,100,000.00 to \$1,251,000.00, payable from Emergency Jobs Program Trust Fund (EJPTF).

Also,

No. 3972 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend a Local Government Financial Seminar in Hershey, PA on November 21, 1983, at a cost not to exceed \$175.00, payable from Code Account No. 1063, Misc. Services, Department of Finance. Permission for use of City vehicle is also requested.

Also,

No. 3973 Communication from John Gabriel, Director, Commission on Human Relations, requesting authorization for Lorraine Robinson to attend a seminar in Carlisle, PA on November 21-22, 1983 at a cost not to exceed \$185.00, payable from the HUD FHP Trust Fund.

Also,

No. 3974 Communication from John E. McGrady, City Controller, submitting a performance audit of the Bureau of Repairs, Department of Lands and Buildings, as prepared by the auditors from the City Controller's Office.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 3975 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Maps No'd. 6 and 7 by changing from "A1" Commercial-Residential Associated District to "C3" Commercial District certain properties in the Allegheny West Community in the vicinity of Western Avenue and Allegheny Avenue, 22nd Ward.

Which was read and referred to the Committee on Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3975

Report of the Committee on Finance for October 26, 1983 transmitting sundry resolutions and one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3846

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$17,041.50 in payment for Purchase of Chlorine furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 3851

A Resolution entitled, "Resolution

authorizing the issuance of a warrant in favor of Tedesco Landscape Contracting Corp. in the amount of \$6,300.00 in payment for landscape work at South Side Riverfront Park, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3860

A Resolution entitled, "Resolution authorizing the Director of Finance to create a payroll for four employees in Controller's Office in lieu of compensatory time as per the out of court settlement agreement in reference to computer system."

Which was read.

Also,

Bill No. 3895

A Resolution entitled, "Resolution amending Resolution No. 721, approved August 24, 1983 entitled: 'Providing for the issuance of warrants in the aggregate amount not to exceed \$2,500.00 in favor of one hundred and twenty-five (125) persons who provide proctoring services for the benefit of the City in connection with the administration of the Department of Personnel and Civil Service Commission's 1983 entry level Firefighter Written Examination on November 5, 1983, and providing for payments thereof.'"

Which was read.

Also,

Bill No. 3896

A Resolution entitled, "Resolution amending Resolution No. 883, approved October 6, 1983, entitled: 'Providing for a lease agreement between the City of Pittsburgh, Department of Personnel and Civil Service Commission and the Public Auditorium Authority of Pittsburgh and Allegheny County and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 3897

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title 1 - Administrative, Article IX - Personnel, Chapter 191, Retirement and Severance Pay, by adding Section 191.09, Service Increment - Police Pension Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3976

Report of the Committee on Public Works for October 26, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3841

A Resolution entitled, "Resolution providing for the letting of a contract or contracts or for the use of existing contracts for the purchase of vehicles and for equipment for use therein for use by the Bureau of Cable Communications, Department of Public Works, in connection with the regulation and utilization of the City of Pittsburgh's

Cable Communications system, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3842

A Resolution entitled, "Resolution providing for authorization to enter into a Supplemental Agreement to Contract #26287 dated April 28, 1983 with Williams/Trebilcock/Whitehead for additional work in conjunction with the Design and Construction Contract Administration of Renovations to Portions of the 9th Floor, City-County Building for use by the Bureau of Cable Communications, Department of Public Works, in connection with the regulation and utilization of the City of Pittsburgh's Cable Communications system, and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 3977

Report of the Committee on Planning, Housing and Development for October 26, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3825

A Resolution entitled, "Resolution amending Resolution No. 306, approved April 18, 1983 authorizing the Urban Redevelopment Authority of Pittsburgh to acquire the property owned by the Housing Authority of the City of Pittsburgh in the 26th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County as Block and Lots: 45-M-62, 45-H-257 and 45-H-259."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods

Mrs. Masloff
Mr. O'Malley

Mr. DePasquale
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 3978

Report of the Committee on Water for October 26, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3847

A Resolution entitled, "Resolution providing for a contract or contracts for the Purchase of Pulse Duration Instrumentation Replacement of Existing 48" and 96" Raw Water Lines at Ross Pumping Station and providing for the payment of the cost thereof."

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 3979

Report of the Committee on Parks and Recreation for October 26, 1983 transmitting one resolution Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3852

A Resolution entitled, "Resolution amending Resolution No. 1136 effective November 19, 1981, entitled: 'Providing for an Agreement or Agreements or the use of existing Agreements for architectural, engineering or other professional services in connection with the design of Paulson Pool and Bathhouse and providing for the cost thereof' by reducing the amount provided."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods

Mrs. Masloff
Mr. O'Malley

Mr. DePasquale
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Malley presented

Bill No. 3980

Report of the Committee on Public Safety for October 26, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3853

A Resolution entitled, "Resolution authorizing a professional study of the Pittsburgh Departments of Police, Fire, and Emergency Medical Services, transferring the sum of \$12,000.00 from Code Account 10, Accounts Payable Prior Years, to Code Account No. 1447, Miscellaneous Services, Department of Police."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
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Mr. Givens
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

There's one correction I'd like to make, Mr. Clerk. On 3843, I apparently voted aye and I meant to abstain for reasons previously given. Check that out please. That's the one on the extra payments to J-Jac, Exchange Way between Eighth Street and Ninth Street. Thank you.

Mr. Flaherty:

For the edification of our viewers and for those who were employed by Giant Eagle who appeared at the post agenda on Wednesday, I had promised to introduce a resolution today asking the URA to audit the UDAG grant loan to Giant Eagle for their warehouse. It is my understanding that the negotiations are going well between Giant Eagle and its employees. As all members of Council are probably aware, subsequent to Council's post agenda meeting, each of the parties agreed to negotiate. Now there is also a federal mediator conducting those negotiations.

So, taking all of that information into account and seeing that the negotiations are being conducted in private and are very sensitive and tenuous and also because I heard from Save Our Neighborhoods Action Coalition, they had also requested that I withhold, for the time being, my

resolution.

The Chair:

Thank you.

Mr. Stone moved to approve the minutes of Monday, October 17, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, November 7, 1983

No. 43

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Monday, November 7, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens:

If I could have some of the following people come up who are in the audience, Mr. Pete Cochran and Mrs. Barbara Nee. Would you please come

forward?

Mr. Givens presents

Bill No. 4005 WHEREAS, on November 4, 1983, the All-Ireland Athletic Club of Pittsburgh will celebrate its 50th Anniversary at the Irish Center of Pittsburgh; and

WHEREAS, as stated in the original constitution dated December 22, 1933, the main objective is to preserve the Irish culture which has been passed down through generations and to bring the Irish of Pittsburgh together in order to encourage sociability and friendship among them; and

WHEREAS, the All-Ireland Athletic Club is an Irish-American non-profit organization which promotes Irish music, Irish stepdancing, and Irish athletics in the Pittsburgh area.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of the Council of the City of Pittsburgh, hereby recognize and congratulate the All-Ireland Athletic Club of Pittsburgh on its 50th Anniversary; and acknowledges the great contributions of the All-Ireland Athletic Club to this City and its citizens.

Mr. Givens moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Givens:

I'd just like to say a few words. I'd like to mention that one of my first contacts, all of us coming from various ethnic backgrounds, even our parents, did not have the fire and the steel and the ethnic backgrounds when you get into the second and third generation. One past president of this particular Irish organization was that of Mr. John Lanahan who lived up the street from me. John was one who instilled in me great thoughts in the Irish community and brought me into the Irish people as many of them migrated to this country and go off the boat and came over here. I owe a lot of my particular feeling about my own ethnic background to this particular group. I wanted that to be so indicated.

I'd like Pete Cochran who is a past president of the Irish Athletic Club to come up and say a few words on behalf of the association.

Mr. Cochran:

On behalf of the All-Ireland Athletic Club, I'd like to thank City Council for this opportunity and for this resolution, for recognizing the All-Ireland Club in the City of Pittsburgh.

Again, we thank all the people who have come to our affairs in the past, not only Irish but every other nationality.

We thank the City of Pittsburgh and City Council for recognizing us here today. Thank you.

Mrs. Barbara Nee:

I'm very proud to be here today to receive this resolution. Thank you very much.

Mr. Givens:

Also in the audience out there is Steve Connelly. Steve is the present President of the organization. Also Mike Flaherty who I don't see here today.

Thank you very much and thank you, fellow Councilmembers.

The Chair:

I can't let this opportunity pass without saying that Mr. Pete Cochran who was just one of the honorees, is a long time friend and it's certainly a pleasure and an honor to see him here today. Congratulations to him and the All-Ireland Athletic Club. Pete and I, back in the old days, lifted a couple cups of tea together so we're very close friends.

Mr. Flaherty:

I have a resolution here welcoming the National Federation of the Blind of Pennsylvania to town on Saturday for their annual convention.

Mr. Flaherty presents

Bill No. 4004 WHEREAS, the National Federation of the Blind of Pennsylvania is the largest organization of blind people in the nation, comprising of more than 50,000 members nationwide; and

WHEREAS, their endeavors and dedication to the task of promoting the social and economic well being of blind people in our society has made great strides; and

WHEREAS, they are breaking through the barriers of discrimination by creating a positive image of blindness and aiding the blind in becoming first class citizens; and

WHEREAS, the National Federation of the Blind of Pennsylvania is holding their state convention in Pittsburgh.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council extend a warm welcome to the National Federation of the Blind of Pennsylvania; and let it be known that we stand by their side in their struggle to overcome the ignorance of discrimination.

Mr. Flaherty moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Flaherty:

I'm glad we didn't have any controversy on welcoming this group here. I would want to ask that Terry McManus, who is an old classmate of mine from Central Catholic, to come up here. Terry is the second Vice-President of the State Association and he's also the President of the Blind Association's Chapter here and he cares to say a few words.

Terry McManus:

Thank you, Councilman Flaherty and members and friends of City Council. I call you all friends because I feel like I know you all personally from watching you on the cable. It's a really great exposure.

I want to thank you all on behalf of our State President, Pat Commorodo, and our Board of Directors and members of the Greater Pittsburgh Chapter and I also want to thank you for giving us this

opportunity to reach countless numbers of blind people in the Pittsburgh area who are not familiar with our organization.

I want to extend a warm invitation to everyone to come to our state convention which will be held at the Hvatt Hotel this weekend to find out a little bit about the Federation. Also, if any blind people are having problems with discrimination in the areas of employment, housing, purchase of insurance, or receiving public accommodations, contact us and we'll be glad to assist you.

Thank you all very much.

The Chair:

Terry, is your dad here today?

Terry McManus:

No, but he's probably watching it on TV.

The Chair:

I just want to say that Terry's dad and I also go back a long way. We were long time members of Central Catholic's Men's Club. Terry, at the time, was I think a freshman at Central Catholic High. It's a great honor to have him here today.

Terry McManus:

Thank you.

The Chair:

Although Michelle Madoff is not here to present the resolution, I understand the officer is here and apparently he can't wait around here all afternoon and I can understand why. So, we're going to present that resolution in

regards to Police Office William G. Ford.

Michelle Madoff presents

Bill No. 4006 WHEREAS, on October 9, 1983, Pittsburgh Police Officer William G. Ford witnessed a man dropping 80 feet from the 62nd Street Bridge into the Allegheny River in an attempt to take his own life; and

WHEREAS, Officer Ford commandeered a boat to the scene and heroically leaped into the river to save the drowning man after the man refused to grab onto a life preserver and rope; and

WHEREAS, gallantly overcoming fear and apathy, Officer Ford risked his own life in his successful pursuit to save the life of a total stranger; and

WHEREAS, the City of Pittsburgh is proud to have on our police force a man of such great fortitude and courage.

NOW, THEREFORE,

BE IT RESOLVED, that the Mavor and the Members of Pittsburgh City Council, on behalf of the citizens of Pittsburgh, hereby recognize and commend Police Officer William G. Ford on his gallant display of courage in risking his own life to save the life of a drowning man.

BE IT FURTHER RESOLVED, that this Council expresses gratitude to this brave man for exemplifying, through this heroic deed, the dignity and value of life.

Mr. Robinson moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Officer Ford:

Members of Council, ladies and gentlemen, thank you very much. It's an honor to be here and to be recognized like this. I don't feel it was anything real heroic; it's things that other officers do every day of their life and they will continue to do for this proud City. I'm proud to be a member of the City police force and a member of the City of Pittsburgh.

Thank you.

The Chair:

Again, congratulations, Officer Ford. When Michelle Madoff sees that picture she's going to kill both of us.

Michelle Madoff presents

Bill No. 4007 WHEREAS, under present State Law the act of interfering with the custody of a child, known as child snatching, is considered a misdemeanor; and

WHEREAS, the number of child snatching crimes is steadily increasing throughout the State; and

WHEREAS, this horrendous crime against young people, especially those who are unable to defend themselves, can cause permanent psychological damage to these children; and

WHEREAS, considering the potential harm this crime inflicts, the present punishment is much too lenient; and

WHEREAS, stiffening the penalty for this crime can result in a reduction of occurrences; and

WHEREAS, the General Assembly of Pennsylvania has before it Senate Bill

No. 1083, which would make child snatching a felony.

NOW, THEREFORE,

BE IT RESOLVED, that the members of the Council of the City of Pittsburgh, hereby supports the measures set forth in Senate Bill 1083 making child snatching a felony instead of a misdemeanor and strongly urge the General Assembly to support and work for its passage.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Givens presented

No. 3983 Resolution further amending Resolution No. 1023, approved October 1, 1982, effective October 14, 1982, as amended by Resolution No. 183, approved March 10, 1983, effective March 24, 1983, and repealing Resolution No. 861, approved October 3, 1983, effective October 14, 1983, entitled, "Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street and Joseph Hartman, 30 Bly Street, and providing for all additional costs thereof, certain property in the 26th Ward of the City of Pittsburgh," by identifying the amount of each warrant to be issued.

Which was read and referred to the Committee on Public Works.

Also,

No. 3984 Resolution authorizing the Mayor and the members of City Council to take the necessary steps to approve the utilization of the Manchester Bridge Pier for a monument

honoring Vietnam Veterans.

Which was read and referred to the Committee on Lands and Buildings.

Michelle Madoff presented

No. 3985 Resolution amending Resolution No. 66, approved January 31, 1983, entitled, "Providing for a contract or contracts for the Relocation of the Lowe Street Bridge Water Line; and providing for the payment of the cost thereof, by increasing the appropriation therein from \$60,000.00 at a cost not to exceed \$66,000.00, chargeable to and payable from Capital Budget Accounts; WD-83-09 (4-05-20-1055-83) WD-81-16 (4-05-20-1105-81), Department of Water.

Which was read and referred to the Committee on Water.

Michelle Madoff moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 3986 Resolution providing for a contract or contracts for a 12" x 6" Water Line Relay in Friendship Avenue between Baum Boulevard and Penn Avenue at a cost not to exceed \$370,000.00, chargeable to and payable from Capital Budget Account WD-83-07 (4-05-15-0001-83), Department of Water.

Which was read and referred to the Committee on Water.

Mr. O'Malley presented

No. 3987 Resolution providing for the issuance of a warrant in the amount of \$7,480.00 in favor of B & L Construction Co., Inc. for payment of contract for the demolition and removal of three 2½ story frame dwellings and frame shed located at 1300-02-04 Voskamp Street, without previous authority of law. Payable from Code Account DTF (Demolition Trust Fund), Pittsburgh National Bank, STF#2. Prior approval by Council letter dated September 29, 1983.

Also,

No. 3988 Resolution transferring the sum of \$18,000.00 from Code Account No. 1470, Uniform Allowance, to the following Code Accounts within the Department of Fire: \$12,000.00 to Code Account No. 1463, Misc. Services, and Code Account No. 1464, Supplies and Materials, \$6,000.00.

Which were read and referred to the Committee on Finance.

Mr. Robinson presented

No. 3989 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by Revising the Test of Chapter 959 concerning the Regulations of the "C5" Golden Triangle Districts.

Also,

No. 3990 Resolution approving a Conditional Use under Section 993.01(a)A-7 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the County of Allegheny for a two story residential work-release facility for female offenders on property located at 3342-48 Fifth Avenue, 4th Ward.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 3991 Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Podiatry Hospital of Pittsburgh for authorization to construct a three-story and basement extension and a nine-stall parking area on property located at 205 and 215 S. Negley Avenue, 8th Ward.

Also,

No. 3992 Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to Magee Women's Hospital for a one-story Research and Development Facility on property located on the southwest corner of Fifth and Craft Avenues, 4th Ward.

Also,

No. 3993 Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Divine Providence Hospital for authorization to construct a two-story addition, a one-story receiving room extension and a one-story

generator building on hospital property located at 1400 Arch Street, 22nd Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3994 Resolution directing the Human Relations Commission, City of Pittsburgh, to initiate a fact finding process to determine to what extent the City of Pittsburgh is in compliance with the ruling of Judge Gerald Weber relative to the hiring and promotion of police officers and fire fighters in the City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Mr. Stone presented

No. 3995 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for Benjamin Bendetti to attend Flexible Benefits Workshop at the Edgewood Country Club in Churchill, PA on November 10, 1983, at a cost not to exceed \$28.00, payable from Code Account No. 1063, Misc. Services, Department of Finance. The purpose of this workshop is an opportunity to hear first hand what is happening today in Western Pennsylvania with the flexible/cafeteria benefit concept.

Also,

No. 3996 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for David Farley to attend a joint meeting of Pennsylvania Service Delivery Area/Administrative Entity Directors and Pennsylvania State University on November 16-17, 1983, at a cost not to exceed \$400.00, payable

from JTPA Trust Fund, federal funds. The purpose of the meeting is to discuss organizational issues for serving the needs of Service Delivery areas in Pennsylvania under the Job Training Partnership Act, and to explore mechanisms for coordination of resources with the branch campuses of Pennsylvania State University.

Also,

No. 3997 Communication from Dante Pellegrini, City Solicitor, Department of Law, submitting a report summarizing settlement claims not exceeding \$750.00 for the Third Quarter of 1983, payable from C.A. No. 1801, Petty Claims. Also, submitting a report summarizing settlement claims in excess of \$750.00 for the Third Quarter of 1983, payable from C.A. No. 46, Judgments.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

The Chair presents

Bill No. 3911 Resolution that the appointment of John J. Sciallo, be and the same, is hereby approved and confirmed as a member of the City Planning Commission for a term to expire January 1988.

Which was read.

Mr. Stone moved to adopt the resolution.

Mr. Robinson seconded the motion.

Which motion prevailed.

The Chair:

Michelle, we already presented your resolution because we understood

that the Officer had to leave. So, if you care to say a few words in regard to those resolution go ahead.

Michelle Madoff:

Mr. President, I had an emergency this morning.

I understand that we already made the award to Police Officer Ford and that's been taken care of and we're also passing the bill today so that that will be taken care of quickly.

On the other one, I guess I will find out what happened and why the people weren't here. They may not have been notified. It's a very traumatic time of year.

The Chair:

Okay, thank you.

Mr. Givens:

Mr. President, I'd like to say something about my remarks from the Municipal Record from Monday, October 31, 1983. I had voted incorrectly on Bill No. 3853. That bill was a resolution authorizing the professional study of Pittsburgh Department of Police and Fire and the Emergency Medical Service for having that professional service come in and look at them and their physical fitness program, some \$12,000. For some reason, I did not catch that last week and I'd at least like my remarks to so indicate that I was not in favor of that bill. That was Bill 3853 of last week. I voted yes for it and I just want the record to reflect that I voted no for it today. I know I can't change my vote, that meeting is done and over, but I want the Municipal Record to so indicate that I voted no for Bill 3853.

Michelle Madoff:

I don't understand. Are you saying you're changing your vote or remaining as it was? Are you changing your vote to yes?

Mr. Givens:

I can't change my vote.

(MR. GIVENS REMARKS ON BILL NO. 3853 - 10/26/83)

Mr. Givens:

Well, my purpose of discussion is the fact that you know there are so many programs out there, and all you have to do is buy a book. I think the Administration's position would be if they want to introduce such an athletic program etc. I don't personally feel that we need a study in order to have a physical fitness program within the City of Pittsburgh. That is an Administrative prerogative. This Council can legislate it if we feel within our prerogative if we had that particular privilege to do so.

In talking to the policemen, etc., many of them already do what they want to do. It has been argued and discussed in this Council on past years that as long as a person can perform his duties, that that person can do with his body as he so desires, otherwise, if he is overweight a little bit, that is his problem as long as that condition does not keep him from performing his particular task.

To spend \$12,000.00 to tell us that we need a particular program or do not need a particular program, I think is asinine.

I would like to make one comment, and you know you have to go back on experience and for 20 some years, I was in the position of where

what you're asking for was a very vital thing. It was on a voluntary basis. Many studies have been conducted. Aerobics is something where there is a book you can pick up for \$1.50. You can do it right in the firehouse, any place, and if a person wants to stay physically fit, there is nothing that says he won't have a heart attack sooner if he stays fit than if he is not. The injuries that are incurred do not mean a person is in shape or not in shape. We all have to appreciate that our young people, as well as our older people out there, they work, and they work very hard at their particular job. We have tried this within the U.S. Government, in the military services for some 20, 30 years. They have gone to a voluntary program. They give the people all the information they need. They don't even really have to provide any equipment if you use the normal aerobics or just go out and do your own exercise program. The aerobics is designed so that a person can use a handbook and know exactly what his own physical fitness, with age and weight, what exercise he can do. The worst thing you can do is force somebody to do physical exercise without medical supervision unless you have some type of a guide. That guide is on the market. I would say if you want to spend \$12,000.00 to buy this particular guide and give it to our people and ask them to perform or use this as a guideline, I think we would go a lot further than to say \$12,000.00 for a study.

I think all of us here have to appreciate that people who are under stressful jobs, including this Council, that you should get out and do that physical exercise. But you should do it under some type of a guideline. That has already been established. Twelve thousand dollars, in my estimation, is going to come back and tell us that we should administrate just such a program.

Mr. President, as I reiterated, and I don't want to belabor the point, but 20 some years I was under such a program. On a voluntary basis, on a non-voluntary basis, and with annual physicals and everything else. And what I'm trying to say is there are books on the shelf today. You don't need a \$12,000.00 study. I can already tell you what a physical fitness exercise is all about and what it does accomplish.

I would indicate that if you want to buy, and the City distribute these to our police officers and our fire fighters and paramedics, or anybody, then they should certainly do so. But to ask for a study, it's very obvious if one takes care of their body, it's going to help them in times of physical injury. Your recuperation time, in many cases, is more rapid.

I could argue the fact of exercise versus nonexercise once a person gets over a certain age. Some doctors will tell you to do it, and others will tell you to do what you have to do but don't do anything that you shouldn't do. In other words, you should not do something that is going to cause your heart rate to go up to a certain point where you're going to have a heart attack.

Again, I feel that \$12,000.00 is useless in a study in the fact that we have studied this issue in our society time and time again. Let's buy some of the aerobic books that are the best that anyone can come up with and distribute them to our workers and leave them do what they must do to keep their own bodies in the shape that they know they must be in in order to do the job that they are required to do. I'm voting no on the \$12,000.00. I'm voting no with the idea that I still like physical fitness programs, but no on this appropriation.

(END - MR. GIVENS REMARKS ON BILL
NO. 3853 - 10/26/83)

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 3998

Report of the Committee on Finance for
November 2, 1983 transmitting sundry
resolutions to Council.

Which was read, received and filed.

Also, with an affirmative
recommendation,

Bill No. 3871

A Resolution entitled, "Resolution
providing for the issuance of a warrant in
favor of Meyers Plumbing and Heating
Supply Company in the amount of
\$391.74 in payment for plumbing
materials furnished for the benefit of the
City in connection with emergency gas
line repairs at #34 Engine House; and
providing for the payment thereof."

Which was read.

Also,

Bill No. 3876

A Resolution entitled, "Resolution
providing for the issuance of a warrant in
favor of Commonwealth of Pennsylvania,
Dept. of Transportation, in the amount
of One Hundred Eleven Thousand Three
Hundred Nine Dollars and Eighty Four
Cents (\$111,309.84) in payment for the
City's share of construction costs in
connection with the Forbes Avenue
Project, Agreement No. 69037A; and
providing for the payment thereof."

Which was read.

Also,

Bill No. 3877

A Resolution entitled, "Resolution
providing for the issuance of a warrant in
favor of Richardson Associates, in the
amount of Four Thousand Seven Hundred
Forty Two Dollars and Fifty Cents
(\$4,742.50) in payment for Professional
Engineering Services in connection with
the Route 51 Rockslide; and providing
for the payment thereof."

Which was read.

Also,

Bill No. 3898

A Resolution entitled, "Resolution
providing for the issuance of a warrant
to Joseph J. Davis and Betty Davis, his
wife, in the amount of \$122,500.00 in full
settlement of claim for personal injury
and property damage, and providing for
the payment thereof."

Which was read.

The Chair:

Is there any discussion on the
bills?

And on the question, "Shall the
bills pass finally?"

The ayes and noes were taken
agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3901

A Resolution entitled, "Resolution transferring various funds from various code accounts."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3929

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of J-Jac Construction Company in the amount of Eighty One Thousand (\$81,000.00) Dollars, in payment for an Emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the

right-of-way on Exchange Way between Eight Street and Ninth Street in the Second Ward of the City of Pittsburgh, and providing for the payment thereof."

Which was read.

The Chair:

I'd like to abstain on this bill for reasons previously stated.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	

AYES 7 NOES none

(MR. DEPASQUALE ABSTAINING)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3941

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Pittsburgh Police Officer William G. Ford in the amount of One Hundred and Forty (\$140.00) Dollars as reimbursement for broken eye glasses incurred while rescuing a potential suicide victim, chargeable to and payable from Code Account 1001-1, Misc.

Services, City Council."

Which was read.

Also,

Bill No. 3947

A Resolution entitled, "Resolution authorizing the issuance of warrants from time to time in favor of Urban Redevelopment Authority in the aggregate amount of \$1,100,000.00 in payment for reimbursement of costs in connection with the North Shore Development Project and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 3999

Report of the Committee on Public Works for November 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3695

A Resolution entitled, "Resolution amending Res. No. 1243, approved November 20, 1980, effective November 26, 1980, entitled: 'Granting unto Bell Telephone Company, 201 Stanwix Street, Pittsburgh, PA 15219, its successors and assigns, the privilege and license to construct, maintain and use at its own cost and expense a Bell Telephone Utility Cabinet behind the sidewalk portion of the various agreed upon locations in the City of Pittsburgh,' by amending the title."

Which was read.

Also,

Bill No. 3878

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Gannett, Fleming Transportation Engineers, Inc. for an In-Depth Inspection of the Schenley Park Bridge over Panther Hollow; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3879

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Gannett, Fleming Transportation Engineers, Inc. for an In-

Depth Inspection of the Schenley Park Bridge over P.J.R.R.; and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

On 3878 and 3879, would a reminder go from Mike Perry to Lou Gaetano with reference to the sewer lines? It appears that there are some real serious problems with the sewers and we want to be sure that we coordinate any efforts at the same time so that we don't have to run into problems later. Lou said that there are sewer problems. I asked him the other day.

Also,

Bill No. 3880

A Resolution entitled, "Resolution further amending Res. No. 1385, approved December 27, 1982, and further amended, entitled: 'Adopting and approving the 1983 Capital Budget and the 1983 CDBG Program; and approving the 1983 through 1988 Capital Improvement Program,' by increasing a line item and correcting a typographical error on a previous amendment."

Which was read.

Also,

Bill No. 3881

A Resolution entitled, "Resolution authorizing the City to enter into an Agreement or Agreements with Glass Plaza Associates and Market View, Inc., providing for the conveyance to and acceptance by the City of a street easement upon, in and through certain property located in the 1st Ward of the City of Pittsburgh, upon payment by the

City of a sum not to exceed \$1,071,667.00 to Glass Plaza Associates and Market View, Inc. jointly, and providing for various other terms and provisions therein."

Which was read.

Also,

Bill No. 3882

A Resolution entitled, "Resolution amending Res. No. 750, appr. Aug. 24, 1983, eff. Sept. 6, 1983, entitled: 'Providing for a Contract or Contracts for the Construction of Walls at Various Locations, including, but not limited to the following: Wick Street, Holt Street, Monroe Street, St. Martin Street, Goettman Street and Blessing Street; providing for an Agreement or Agreements with Geo Mechanics, Inc. for Engineering Services in connection with the Design of the Reconstruction of the Goettman Street Wall; and providing for the payment of the cost thereof,' by providing for an Agreement or Agreements with Pittsburgh International Engineering, Inc. for Engineering Services in connection with the Design of the Reconstruction of the Blessing Street Wall, and by reducing the total amount of the Contract or Contracts for the Construction of Walls at Various Locations."

Which was read.

Also,

Bill No. 3883

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Allegheny Conference on Community Development for their cost participation in the Reconstruction of Grant Street, Phases I, II and IV."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4000

Report of the Committee on Planning, Housing and Development for November 2, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3447

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Regulations Applicable to 'GROUP LIVING FACILITIES', Chapter 993, Conditional Use Exceptions, Section 993.01(a)A-43,

by requiring the sponsor to file semi-annually for recertification with the Bureau of Building Inspection and by requiring one representative on the Regulatory Board from the local community."

Which was read.

Mr. Woods:

On Bill No. 3447, after last Wednesday's meeting and taking into account Councilman Robinson's concern, Mr. Stone and Mr. O'Malley and a few other Councilmembers, I'd like to make a motion to amend this bill by deleting Item E and inserting a new Item E which reads: "Each group living facility shall have a five member Advisory Board which shall deal with community concerns and other areas that the sponsor of the group living facility shall decide to seek advice from the Advisory Board. Two of the Advisory Board members shall be appointed by a responsible local community organization or organizations or from residents from the immediate neighborhood. The Board shall meet quarterly and issue reports with recommendations to the sponsor of the group living facility to alleviate any community concerns. The sponsor shall, in its semi-annual report to the Bureau of Building Inspection, list concerns of the Advisory Board and how it responded to the Advisory Board's recommendations."

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

Bill No. 3448

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration,

Chapter 903, Definitions, Section 903.02(g), 'GROUP CARE FACILITY' by excluding persons nineteen (19) or more years of age, who are criminal offenders, serving a sentence; or persons who are under arrest and/or awaiting trial for felonies or violent crimes of any degree."

Which was read.

Michelle Madoff:

Mr. Woods, on Bills 3447 and 3448, are you including personal care boarding homes? Do they fall under this as well? Remember that we had practically passed that in Council until our good Republican friends in Oakland came in and twisted arms and we voted against that being an entrepreneurial type of business, a few little senior citizens living in the community which was a disgrace. Really a black mark on this Council.

What I want to know is, are these personal care boarding homes included in here?

Mr. Woods:

I pushed very hard myself for the personal care boarding homes. To my knowledge, it does include them also. All group living facilities.

Michelle Madoff:

I think in the coming year, 1984, we ought to take another look at that because I can't see where that's going to do any harm and if necessary, we might even write an amendment and say "non-profit".

Mr. Woods:

I agree with you but —

Michelle Madoff:

I think that really was a black mark on this Council. One that I'm deeply ashamed of. I can't imagine anyone not voting to keep senior citizens, and some of us are rapidly approaching that age, in the community where it will be less problem and not have to be supervised than some of the youngsters who are on prison release programs and so on.

Thank you.

Also,

Bill No. 3890

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1430 Columbus (Block and Lot 22-E-251), 1323 Pennsylvania Avenue (Block and Lot 22-P-165), 1132 W. North Avenue (Block and Lot 22-R-272) and 1418-20 Faulsey Way (7-B-292 A and B) in the Manchester Historic District in the 21st Ward."

Which was read.

Also,

Bill No. 3891

A Resolution entitled, "Resolution providing for the Issuance of a Certificate of Appropriateness for work to be done on the exterior of the residential structures at 1218 Monterey Street (Block and Lot 23-J-268) and 1303 Sherman Avenue (Block and Lot 23-K-179A) in the Mexican War Streets Historic District in the 22nd Ward."

Which was read.

Also,

Bill No. 3892

A Resolution entitled, "Resolution amending Section 11 of Res. No. 1420, eff. Dec. 31, 1980 as previously amended by Res. No. 559 and 835 of 1981; and by Res. Nos. 417 and 830 of 1982; and by Res. No. 212 of 1983 entitled, 'Providing for the filing of an application by the City of Pgh. with the U.S. Dept. of Housing-Urban Development for a grant in connection with the 1981 CDBG Program,' so as to decrease line item CP 81-05, 'Neighborhood Census Publication,' from \$50,000.00 to \$40,000.00 (-\$10,000.00), and further to create a new line item LB 81-07, 'Renovation of Public Buildings' (+\$10,000.00)."

Which was read.

Also,

Bill No. 3893

A Resolution entitled, "Resolution amending Section 11 of Res. No. 1549 of 1978, previously amended by Res. Nos. 251, 517 and 649 of 1979; and by Res. Nos. 286 and 1192 of 1980; and by Res. No. 1203 of 1981; and by Res. No. 393 of 1983, entitled, 'Providing for the filing of an application with the U.S. Dept. of Housing and Urban Development for a grant in connection with the 1979 CDBG Program,' so as to reduce line item PR-79-10 'McKinley Park' from \$15,000.00 to 0; and further, to add a new line item LB-79-11 'Renovation of Public Buildings' (+\$15,000.00)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the

bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 4001

Report of the Committee on Supplies for November 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3888

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the furnishing and delivery of Office Equipment and Furniture for the Dept. of Fire, Chief's Office, Code Account No. 1468, Equipment, and for the payment thereof."

Which was read.

Also,

Bill No. 3902

A Resolution entitled, "Resolution amending Res. No. 93 appr. Feb. 3, 1983, eff. Feb. 21, 1983, entitled: 'Amending Resolution providing for the letting of Contracts and the use of existing Contracts for the purchase and delivery of Various Radio Equipment for the Dept. of Supplies of the City of Pittsburgh, and providing for the payment thereof,' by increasing the amount by four thousand dollars (\$4,000.00)."

Which was read.

Also,

Bill No. 3903

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of Fire Equipment for the Department of Supplies, at a cost not to exceed \$1,000,000.00, providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 4002

Report of the Committee on Public Safety for November 2, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3956

A Resolution entitled, "Resolution providing for the letting of a Contract or Contracts, or for the use of existing Contracts, for the furnishing, delivery and installation of Microfilm Equipment for the Dept. of Emergency Medical Services and for payment thereof."

Michelle Madoff:

I should have asked the question on Wednesday but it occurred to me, why are we putting that information on microfilm? Wouldn't it be kept at the hospitals automatically?

Mr. O'Malley:

I think they're just upgrading the system, Michelle.

Michelle Madoff:

Why don't you check into it and find out what they're planning to do with it and why. I would imagine there's a central record kept at the hospitals or with the person's doctor or something.

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 4003

Report of the Committee on Lands and Buildings for November 2, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3872

A Resolution entitled, "Resolution providing for an Agreement(s) with the URA of Pgh. for the design and implementation of rehabilitation to a City-owned building located at 7323 Frankstown Avenue, Pittsburgh, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3873

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pgh. designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein."

Which was read.

Also,

Bill No. 3874

A Resolution entitled, "Resolution repealing resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 514, as amended, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 3875

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 3916

A Resolution entitled, "Resolution authorizing the sale of property in the

19th Ward of the City of Pittsburgh, designated as Block 1-E, Lot 100 for the sum of \$15,000.00 to Riverfront Properties."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Givens:

Mr. President, I'd like the Municipal Record, dated Monday, October 24, 1983, that's No. 41, back on page 1449, third paragraph, where it indicates that Michelle Madoff indicated that I voted for ATC which, if you can recall, was around the cable companies on a vote that had nothing to do with cable. But the fact is, and I want the record to so reflect, that I have never voted for ATC. When that vote was taken, there was only one company's name that appeared on the agenda and

that was of Warner Cable and, of course, I was that one person who did not vote for Warner Cable. Where she comes in that I had voted for ATC indicates of the morality and the Guinness Book on something that ATC was doing some three or four years later, I have nothing to do with and the fact that when I put bills in to protect the morality of our cable that Michelle did not vote for that particular bill and that was mimicing the state's obscenity law.

So, I just want that correction on the Municipal Record. Mike, I don't know if you can put it in with this when you rewrite this at the end of the year or just insert it in today's Municipal Record. Whichever is most appropriate.

The Chair:

Thank you, Mr. Givens.

Mr. Givens:

May I say that that was taken during the vote which meant that I did not have the opportunity to respond to it because the vote had already been taken and I could not respond to it at that particular time.

Michelle Madoff:

Mr. President, there were four companies recommended to us. We could have picked any one out of a hat and probably got a good company. My first preference would have been, as I stated before in the Post Gazette, which had the lowest rate on the lowest level. The Mayor was away, remember it was the big playoff and we had two days to vote. We were given only two names. We were given Warner and ATC. The Advisory Committee was fighting very, very heavily for ATC. I put names in an envelope as to how I thought the vote would go and I was very wrong. I thought

ATC was going to take it. Warner took it. I was the third vote; there was a vote for Warner, a vote for ATC and a vote for Warner. That's the order and the sequence and if Mike would like to pull the record you will see that that's how the vote went.

Mr. Givens:

No. Pull the record.

The Chair:

I don't really think it matters how we voted three years ago or four years ago —

Michelle Madoff:

I think it was relevant to the statement that was made the other day. If we're going to talk about pornography, we're going to worry about companies that show spermathons.

Mr. Givens:

Michelle, if you want to worry about pornography, go back and check your voting record.

Michelle Madoff:

I have another item, Mr. President, instead of dealing with the nonsense that Mr. Givens gives out because it's a lot of nonsense. You're holier than thou and you're offensive.

I think the most important thing right now to be concerned with is that a great union leader has passed on. As you know, he had his sixth bypass. That's Lloyd McBride. I think it would be very appropriate if we had a moment of silence. He's going to be buried in St. Louis. As you know, my administrative assistant, Carmen Gunther's husband is Lloyd McBride's administrative assistant

and they called me at 8:30 yesterday to borrow a car. They've been really on the go and they're really exhausted. Things are very difficult there and I just thought it would be respectful of this Council to honor his memory.

The Chair:

Could you all rise for a moment of silence for the late Lloyd McBride, please.

I don't think any of us can say enough about Mr. McBride and his great record. Tragically, he's taken from us at really a young age. It's going to be a blow to the steelworkers, especially in these troubled times.

Thank you.

Mr. Givens:

As far as Mr. McBride, I have great sympathy for his family. I've known many people to go through that operation and it's very trying.

Mike, I need a letter to go to, I think it's the Parking Authority or it could be that of the Treasury Department, City of Pittsburgh, in regards to parking meters being placed along the Penn Avenue corridor from 45th Street to Mathilda, north side of Penn Avenue. That's along the Allegheny and Saint Mary's Cemetery. I see the poles in there right now and that's why I ask that they stop what they're doing.

Mike, I need to have someone from your office possibly check the Municipal Records to find out who has the authority to put parking meters on the City streets and roads and does it have to come before this Council for any approval or disapproval and if not, why not? Here is an area that, along the cemetery, you know, this hospital has

been zoned, as we know, with the parking permit around there where you cannot park; if you do, you're fined some \$25 and people have told me about those fines. It's right but it's a new system and we're trying to break it in. I think it's right for St. Francis Hospital. We have parking at St. Francis, which is overtaxed if everyone would use it. Where in God's name are people who can't pay a dollar or two dollars for parking going to park adjacent to a hospital? This is one area along the Penn Avenue corridor where people could park. There were no homes there. It's a cemetery. I think some of the people from the hospital who work there, some people who come to visit patients there, park and walk, in many cases, I'm talking about a four to five block area. Almost a six or seven block area from the hospital they're putting parking meters up. There are no businesses there that would be hurt. The people who live adjacent to Penn Avenue on the southerly side have the parking zone permit in that particular area. Those businesses along there have yellow lines marked for their businesses for people to come and go and for their own vehicles to come and go. There's no reason to put parking meters along this area here other than to penalize those people who cannot even afford the cost of putting in a meter and walking seven blocks to visit somebody, probably one of their family members, in the hospital.

I ask that these meters stop being put in; Mike, that someone come before us from either the Parking Authority or the Treasurer's Office and explain what is happening and what is going on. If you would at least make a call today and tell them to stop until they can at least come in and brief Council.

Thank you.

Mr. Robinson:

Mr. President and members of Council, I've had some concerns over the last year about what type of development, mainly economic development, the City was going to be initiating in the Hill District. As Council will remember, some time ago there were some pretty extensive plans made to redevelop that area around the Civic Arena, to do some development up along Fifth Avenue and also to do some development along the Center Avenue corridor which, in fact, links our Downtown development to some things in the upper Hill.

I'm particularly concerned now, in as much as one of the major developments in that area, the Phoenix Hill Shopping Mall, is still closed. We do not have any time schedule as to when it will be open. We have no indication as to who the new developers are going to be. We have the Fifth Avenue High School still sitting vacant, abandoned, deteriorating, after almost a year and a half of it being turned over to a developer. And we have no major economic development in the Hill District itself.

Members of Council probably have received a book in the mail called the Hill District Plan and Development Guidelines which was prepared by Onque' Harai Associates. These consultants were hired by the Urban Redevelopment Authority and worked in conjunction with the Hill District Project Area Committee.

I'm terribly concerned, one, because of the statements I've already made, but also we're doing a lot of development on the Southside, we're doing a lot of development on the North Side. We're doing a lot of development in the Manchester area. But we're not

doing any development in the Hill District. It would seem to me that if we are indeed concerned about developing the Downtown and surrounding areas, that we're going to have to have some development in the Hill. I think it would be instructive for this Council to get some sort of report from our Planning Commission and URA and that that report be prepared for us by the time that Planning and URA come before this Council to request 1984 budget appropriations. I do recognize that there are many reasons why developments do not move forward in a timely fashion, but it seems to me that over the last five or six years, we could not identify any major economic development activity in the Hill District. We could not identify any major economic development activity around the Civic Arena. I think that it's essential that we get some perspective as to where we need to be going and what we're going to be doing in 1984.

The people who live in the Hill District, I think, on several occasions have expressed their concern and interest to work with developers in that area and I think we ought to take advantage of that opportunity to do what we can as a City government to stimulate it. Millions of dollars have been spent preparing land, building houses and hiring consultants, but the actual revitalization of this area lies dormant and the shopping center is a setback.

I would appreciate if the City Clerk could send a communique to the Planning Department and to URA relative to putting together some sort of progress report and also an action report. Where are we going to be going in '84 in terms of developing the Hill District and that area surrounding the Civic Arena. We need some specifics. These guidelines and these proposed

plans are fine; I think they're a step in the right direction. But we're going to have to take some aggressive action.

Also, if we could have by this Wednesday some update on the Fifth Avenue High School and the Phoenix Hill Shopping Mall. I know we're going to have a post agenda that's going to address this issue but I would hope that URA and Planning would bring us some specific information. When is the shopping center going to open? Who is going to operate it? When is that total mall complex going to be turned over to a developer and what other kind of development is going to occur there? When are we going to move forward developing the Fifth Avenue High School site? Who is going to develop it and what kind of commitment does the City have to make to move forward? I think those two things will give us some perspective on Wednesday as to where we are and, hopefully, by the time we come to budget considerations, Planning and URA will be in a better position to let us know what is going to happen in the Hill District.

Mr. Woods:

Bill already brought it up but I got an awful lot of calls on the Fifth Avenue High School and to my knowledge the City is paying to have it boarded up time and time again. They go over in there and clean. We know there's been a lot of problems with that school; young people going in there and drinking. In fact, they found a body in there recently.

Bill, did you say there was going to be a post this Wednesday.

Mr. Robinson:

It's my understanding that Mr. DePasquale has arranged a post agenda to deal with the Phoenix Hill Shopping

Mall only.

Mr. Woods:

Then can we have one for the following Wednesday to deal specifically with the Fifth Avenue High School? A long, long time ago it should have been done. Somebody got a little deal here and the City keeps picking up the bill.

Mr. Stone:

Mr. President, I'd like to join in that for the reason that I think the Fifth Avenue site was given out on a rather conservative price, maybe not conservative but a cheap price, with the understanding that it was supposed to be developed.

I've heard that there's some plans in order but there has not been any action on it and I think that the request is in order.

Relative to the Phoenix Hill site, it's my understanding that they did, unfortunately, what they had to do in order to eliminate the debt obligations that were there and that was to foreclose. It was not on any perspective purchasers but rather, regretfully, what they had to do. It's my understanding that was done and they're trying to get it opened again. But I think the concern that Councilman Robinson makes about some expeditious action is in order and I think we ought to, likewise, press for its completion.

Michelle Madoff:

Mr. President, I need some clarification. I don't know whether we need it from the Legal Department; perhaps Mr. Stone, as Finance Chairman, could answer my question.

There's two parts. It begins with,

do we have an arbitrator, have the contracts with the police, the fire, etc. gone to arbitration as yet? We're getting very close to D-Day.

Mr. Stone:

To my knowledge, they have not gone to arbitration yet; they are still in collective bargaining. As I was quoted, I am hopeful that, as I mentioned a year ago, that we had \$14.3 million in salary and employee benefit increases and that I am hopeful that some of those increases, heretofore was, I think, about nine percent, is not in expectation in the year of 1984, so that we can maintain an effort and at the same time be fair with our employees. To my knowledge, there has been no breakdown yet in collective bargaining and arbitration follows a breakdown in that process.

Michelle Madoff:

At what point would they be going to arbitration? What happens if it isn't done by the end of the year? Do we just carry the budget into the following year?

Mr. Stone:

You would still carry in hopes that you would do that expeditiously. But I think what always happens is that they try to do that before the end of the year so that all contracts are closed. At least if they see they're deadlocked, they would then ask for arbitration to resolve the same.

Michelle Madoff:

Do you think that if they have to go to arbitration it will be done by the end of the year?

Mr. Stone:

That depends, Michelle.

Arbitration takes a little bit of time as well. I'm hopeful that there's going to be a collective understanding between the Administration and labor this year. We have some trying times and everybody ought to take that into consideration and, hopefully, come to a mutual understanding.

Michelle Madoff:

That was the first part of my question. The second part of my question is a statement and that is that it is my understanding that in both industry and in labor, I know personally of a number of labor leaders who have taken a 20 percent cut in salary over a three year period of time; I know that corporate executives have taken big cuts in salary, perhaps not large enough, and certainly employees are taking large cuts in salary. We have a dichotomy here in Council in that five members get \$32,500 and four get \$27,500, or maybe it's the other way around. When we get to vote on salary, there seems to be the feeling among this Council last year —

The Chair:

Excuse me, Michelle —

Michelle Madoff:

I'm trying to get some information.

The Chair:

Yes, but I'm wondering where you're going.

Michelle Madoff:

If you'd let me talk you'd find out where I'm going.

The Chair:

I think you're out of order. I don't think we should discuss Council's salaries or anybody else's at this time.

Michelle Madoff:

Why not?

The Chair:

I don't think we should.

Michelle Madoff:

What's the secret? You don't want the public to know what's going on?

The Chair:

There's no secret about it. It's going to be done openly like it always is.

Michelle Madoff:

I need some information before we get to vote.

The Chair:

This isn't the place to get that information. You'll get the information at the meetings.

Michelle Madoff:

It will be too late. It will be after the fact. The important thing that I'm trying to get at is, is there a possibility, Mr. Stone, of evening out all of the salaries at one level, whether it's \$27,500 or \$32,500, whatever it's going to be, and then the following year, opening up the Charter and going to a referendum to see whether in place of the large perceived grab by the public, because there is no increase each year on the cost of living, going to the concept that Councilman Flaherty originated which was whatever

the cost of living would be. For example, you just made a statement that you're asking the police and the firemen to, perhaps, not go for nine percent. Maybe they'll go for five percent, maybe for three, maybe for four. I don't know what they're going to go for. I'm not arbitrating that contract. But certainly Council should not be going for more money than what the people working in the City and putting their lives on the line are going for in light of the fact that we are in a recession and in some cases a depression.

The Chair:

Michelle, first of all, we don't know what the arbitration is going to award —

Michelle Madoff:

But we can't wait until we go in the back room and vote.

The Chair:

We have no choice but to wait. That's when we'll vote; not now. You're out of order.

Michelle Madoff:

I'm always out of order when I talk about the pocketbook of this Council.

The Chair:

You know darn well you're out of order. You know it doesn't belong here at this Council meeting right now because we're going to discuss that for two full months coming a week or so from now.

Michelle Madoff:

When are we going to discuss it?

We're going to go in the back room for one hour before we vote. That's how it happens.

The Chair:

It's going to be done in the open, not in any back room. The Sunshine Law says that we're not allowed anymore. The bleeding hearts don't allow us any private meetings.

Michelle Madoff:

We always vote without the news media there too.

Would you care to answer my question, Mr. Stone?

Mr. Stone:

I'm following the Chair and the Chair tells me I can't.

Michelle Madoff:

Do you have any objections?

The Chair:

I feel that you're out of order.

Michelle Madoff:

I don't think that I'm out of order. We're on a time frame.

Mr. Stone:

Mr. President, when you're ready I have a motion relative to the next meeting.

The Chair:

I just want to add that tomorrow is Election Day and certain of our people are running and I want to wish them all luck. Obviously the editorial section of

our newspaper don't love them but I feel the general public still does.

Mr. Stone:

Mr. President, I'd like to move to reschedule Wednesday's Finance meeting from 10:00 a.m. to 1:00 p.m.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

Don't we have the Legislators scheduled for a hearing at my request and at their request to discuss a lobbyist?

Mr. Perry:

Yes, Michelle.

Michelle Madoff:

Will we then continue to have our hearing with the Legislators with reference to getting a lobbyist into Harrisburg which they want and they also want someone to review legislation?

Mr. Perry:

Yes.

Michelle Madoff:

That will take place even though we meet at 1:00?

Mr. Perry:

After the 1:00 meeting.

Michelle Madoff:

Fine. I just wanted to know.

Mr. Stone moved to approve the minutes on Monday, October 31, 1983.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Robinson**

Council adjourned.

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, November 14, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair, Pro tem:

Would Councilwoman Masloff and Councilman Robinson please escort the Mayor into Council Chambers?

I would now like to introduce to you Mayor Richard Caliguiri.

Mayor Caliguiri:

Thank you.

Today's presentation of the 1984 Budget marks the seventh time that I have had the opportunity to discuss with City Council and the people of Pittsburgh the overall financial status and well-being of the City.

In the last few years we have been working against the pressures of an unyielding economy which has continually challenged and threatened our economic survival.

Many large cities have found themselves in precarious financial straits including New York, Boston, Cleveland and Detroit; yet Pittsburgh has succeeded in avoiding the crises faced by other cities.

The fact that we have continued to manage the City's fiscal affairs without a deficit can be attributed to our willingness to make the difficult decisions required to maintain our financial integrity and economic vitality.

Two-Year Focus

In preparing budgets over the years, it has become increasingly apparent that the fiscal and administrative problems of city government have become so complex that it is no longer practical to examine such problems solely on a one-year basis. The decisions we make today will have an impact beyond a single year. To

meet this changing trend, I instructed the Finance Department at the outset of this year to provide long-range financial projections on an ongoing basis.

So, you will find that as I review the contents of the 1984 budget, I am deviating from the past practice of concentrating only on the coming year and will also discuss the challenges confronting us in 1985.

The Past Two Years

To better understand the next two years, it is helpful to review some of the financial and administrative decisions and developments that have occurred over the past two years.

As you will recall, 1982 was a particularly difficult but eventful year for all of us. A tax increase was required to close a substantial revenue/expenditure gap that year.

It was also the year the City undertook the first phase of a reorganization in which

. . . all housing and economic development activities were centralized into the Urban Redevelopment Authority;

. . . the Finance Department was created and an expanded Budget Office was relocated there;

. . . the City instituted curbside refuse collections;

. . . the Fire Department was reorganized through a squad system which enabled more firefighters to arrive at the scene of a fire more quickly.

Compared to 1982, the 1983 budget was expected to be less eventful with no reorganizations being undertaken and no

tax increases required.

However, first glances can be deceiving; during 1983 the full effect of changes initiated in previous years was felt for the first time.

— Renaissance II continued its rapid pace in both the neighborhoods and the Downtown area at least partially due to the expanded activities, programs and assistance of the Urban Redevelopment Authority.

— As a result of the PGH-40 filing requirements, the City collected approximately \$4 million for the 1982-1983 period.

— A thorough review of our past bond issues by the Finance Department enabled the City to refinance a portion of our debt resulting in savings in excess of \$6 million over the next two years.

— The curbside refuse collection system permitted us to eliminate 15 routes representing an annual savings in excess of \$1 million.

— An expanded Budget Office has enabled us to review budget requests more thoroughly and to assist in improving the operating efficiencies of the departments.

These improvements are at least partially responsible for the surplus that we achieved last year and that will again be realized in 1983.

In addition to these developments, 1983 will also be remembered for a number of major events including:

— the opening of the first section of the New Zoo with natural exhibits for lions, leopards, tigers, rhinoceros, and Asian and African waterfowl;

— the creation of a \$1.7 million one-time Emergency Jobs Program which provided employment opportunities for some 170 unemployed City residents;

— the continued success of the Pittsburgh Clean City Committee campaign;

— the opening of One Oxford Centre while both the PPG corporate headquarters and One Mellon Bank Center neared completion;

— the receipt of an additional \$7.1 million in Community Development funds through the Federal Emergency Jobs Bill which financed a variety of programs to expand employment opportunities, provide low interest business loan programs and increase our infrastructure repair program; and

— the long awaited opening of Pittsburgh's streets which have been blocked by subway and building construction since January, 1982.

All of these events have marked 1983 as a year to remember.

The 1984 Budget

The budget before you today is similar to the one in 1982 in that it calls for the next phase of the major reorganization necessary to centralize and to improve upon the operating efficiency of City government. It also is a reflection of the 1982 budget in that these proposed changes will have far more than a one-year impact.

The 1984 budget is unlike the 1982 budget, however, in two critical areas.

First, this budget includes an increase of less than three percent over the previous year's operating expenditures which represents the

smallest yearly increase in the last ten years.

Secondly, and most important to all of us, unlike the 1982 budget, the 1984 budget has been balanced without raising taxes.

It was absolutely necessary for us to avoid a tax increase in 1984 for several reasons.

City residents already are carrying a substantial tax burden. In addition, the School District has indicated it may be necessary to raise school taxes next year, making it more imperative for the City to avoid imposing a double tax increase on our taxpayers next year.

The unfair overload of taxes on City residents, to a degree, is a result of having to provide services to the entire metropolitan area. As the late Commonwealth Court Judge Harry Kramer wrote, "The people of this country must come to realize that in order to save the cities, which perform functions which make this country work, the cities cannot continue to provide services to nonresidents without some kind of compensation." Elaborating further on the types of services provided, Judge Kramer wrote, "It is sufficient to point to the provision of . . . fire and police protection, to the use of the streets, sewers, water, and other utilities; to the use of . . . hospitals, universities, colleges, museums, aviaries, libraries, zoo, and conservatory, none of which facilities pay taxes."

Nonresidents who work, shop and utilize City services and facilities enjoy all of the benefits associated with an urban area without sharing the responsibility of financing their costs. This is an established and documented fact. As I have repeatedly stated, it is time that suburban legislators cease

their near-sighted and parochial posture on the matter of the non-resident municipal service tax.

How a Tax Increase Was Avoided

Our ability to hold the tax line can be attributed to three factors — a dramatic decrease in the rate of spending, budgeting the entire 1983 year-end balance, and this administration's continued aggressive policy toward collecting outstanding revenues.

1. Holding the Line on Spending

A widely publicized report by the Pennsylvania Economy League indicated that over the past six years the City's spending had increased at an annual rate in excess of 10%. The report recommended that the City reduce its overall growth in expenditures to 8% or less. We have more than met that challenge — the 1984 budget exceeds the 1983 budget by less than 3%. Yet despite the fact that we have held the line on spending for 1984, we will still provide the same high level of service next year that Pittsburghers have become accustomed to. It should also be pointed out that had this budget increased by the past year's rate of 10% the City would have been facing a revenue/expenditure gap of approximately \$20 million.

The reduced growth in the operating budget was a result of many of the activities already mentioned — elimination of 15 refuse routes, refinancing of existing debt service, and a more intensive review of departmental spending.

In addition, in 1984 the City is asking its unions to settle for increased wages which are in line with the reduced rate of inflation that the nation has experienced over the past 12 months. It

must be recognized that the City's full medical coverage benefit largely insulates its employees from medical cost increases which have been a driving force behind the current increase in the inflation rate.

It was reasonable to expect higher wage settlements when inflation was high and the economy was strong. However, in these difficult times of high unemployment, bankruptcies and union concessions, low wage settlements or even wage freezes are justifiable.

Furthermore, it is important for all government employees to realize that we cannot expect to place ourselves in a situation where we become better off than those for whom we work. It is simply not fair to expect settlements which exceed the past year's national inflation rate when to do so results in increasing taxes on the already overburdened taxpayer.

The City has set aside a reserve for unsettled labor agreements that is sufficient to finance a modest wage increase — one which is consistent with the national inflation rate.

I will also recommend to Council an increase for non-union employees after union settlements have been reached.

2. Budgeting the Year-End Balance

The spending controls first put into place in 1982 and utilized in 1983 have enabled us to end the year with an estimated ending balance of approximately \$14 million. While this represents a decline of \$6 million over last year's surplus, it still represents the type of healthy financial condition that we must portray to the rating agencies to maintain and perhaps even to improve our bond rating.

The estimated \$14 million balance is being used to avoid increasing taxes in 1984. There is a popular misconception that the surplus represents "found" money and can be used to finance additional spending activities.

However, nothing can be further from the truth.

The fact of the matter is that we will end the year with \$6 million less than when we started. In 1983 the beginning balance was \$20 million while in 1984 it is projected to be \$14.1 million.

Thus, our expenditures exceeded our revenues and unless we can reverse this trend a tax hike in the near future is unavoidable.

3. Revenue Enhancements

The City will continue to pursue with increased vigor the collection of all revenues which it is owed. The City has begun the process of comparing the PGH-40 earned income tax forms to the State Income Tax list. This will enable us to begin to collect these taxes from those City residents who filed a State tax form in 1982 and 1983 but did not file a City return or reported different earnings to the two taxing bodies.

The City has embarked on an aggressive parking enforcement program to insure that all parking fine revenues owned to the City are collected.

A Tax Receivable Section is being established in the Finance Department. Working in conjunction with the Law Department, this newly created section will insure that delinquent taxes are aggressively pursued and collected.

Together these revenue enhancement initiatives should result in

increased revenues of at least \$3.0 million in 1984.

Further Reorganizations

The reorganizations which took place in 1982 clearly have had a positive long-range impact on the City. As important and as dramatic as the 1982 reorganizations were, I believe that the proposed 1984 reorganizations will have an even greater impact on the future of this City.

Accordingly in 1984, I am proposing the following:

1. the establishment of an independent Water and Sewer Authority to undertake an ambitious capital improvements program;
2. the creation of a new Department of Engineering and Construction to centralize and modernize the capital construction activities currently split among four departments;
3. the elimination of the Department of Lands and Buildings and the transfer of its functions to other departments; and
4. the reorganization of the Supplies Department.

Let me explain to you specifically what these proposals encompass:

1. Water and Sewer Authority

Earlier this year, the City received a report from a consulting engineering firm which indicated that a massive \$150 million capital improvement program was necessary over the next seven years in order to repair and modernize our water and sewer systems. Recognizing that these capital expenditures were well beyond our financial resources, we

engaged Price Waterhouse to examine the feasibility of establishing an independent authority to operate these systems on a businesslike basis and to undertake the necessary improvements.

While the full report is not yet available, the preliminary results indicate that an independent authority can be created to undertake the necessary capital program. While there is not doubt that rates will need to increase to finance this capital program, it is only fair that the users of the systems should finance the improvements. Furthermore, it must be pointed out that City water customers have enjoyed rates far below those normally found in Allegheny County and throughout much of the nation.

It cannot be overemphasized that our abundant water resources represent a vital asset that most other major cities do not have. In order to maintain this long-range competitive advantage, we must make immediate improvements to the system. Many other cities, such as New York, are experiencing crises in their water systems brought on by years of neglect. We cannot allow that to occur here in Pittsburgh. Modernization and repair costs cannot be avoided - they can only be deferred. The responsible approach is to improve these facilities now before the costs escalate beyond our means.

We will be sending the Price Waterhouse report to Council within the next few weeks. The 1984 budget has been established assuming that the Water and Sewer Authority will be created on May 1, 1984. Thus the current Water Fund will exist for the first four months of next year. After that point, the Water Fund will be eliminated and the Water Department will become a part of the General Fund. All current employees will remain with the City and the Water

and Sewer Authority will reimburse the City for the functions performed by the employees of the Water Department and those employees in Public Works who operate and maintain our sewer system. I am recommending that our current Water Department Director, Richard Cosentino, become the Executive Director of the new Water and Sewer Authority.

2. Department of Engineering and Construction

Effective January 1, I am proposing the creation of a new Department of Engineering and Construction which will centralize all engineering and capital construction functions in a single department. The new department will consolidate the activities which are currently performed independently in the Departments of Public Works, Water, Parks and Recreation, and Lands and Buildings.

By centralizing these activities under one department, we expect to avoid interdepartmental problems that have plagued us in the past and to streamline and modernize the entire capital construction program. It is my expectation that the new department will benefit the City's massive capital improvement program by ensuring that the major projects are completed on schedule and within budget.

I am proposing that Paul McDermott, who is currently the Assistant Director of Engineering in the Department of Public Works, be confirmed as the Director of the new Department of Engineering and Construction.

3. Department of Lands and Buildings

A separate Department of Lands and Buildings will no longer be necessary

under the proposed reorganization. The real estate function of the department will be transferred to the Finance Department so that one department will now have total control of the acquisition, maintenance and disposition of City-owned property.

The engineering and capital activities will be transferred to the new Department of Engineering and Construction. The maintenance and custodial activities will be transferred to the Department of Supplies.

I am requesting that our current Director, Daryl Smith, be confirmed as the new Director of the City's Department of Water. Taking action on this request immediately will permit the current Director, Richard Cosentino, to work full time on the establishment of the Water Authority.

4. Department of Supplies

The Department of Supplies will be reorganized and renamed the Department of General Services. The tow pound and photo lab will be transferred to the Police Department where they logically belong. The maintenance and custodial functions of the Department of Lands and Buildings will be assumed by the new Department of General Services.

Each of these four reorganizations represents a major change to City government as we now recognize it. These changes are necessary if we are to continue making the kind of progress that we have made over the last 6½ years. Just as it took two years to recognize the full significance of the 1982 reorganization, the impact of the current reorganization will extend beyond 1984.

1985 Outlook

Early in 1983, the Finance Department presented me with its financial projections for 1984 and 1985. At that time we were projecting a \$10 million gap in 1984 and a projected \$25 million deficit for 1985.

By taking all of the administrative actions already described, we have eliminated the \$10 million gap for 1984 and reduced the 1985 deficit to a projected \$20 million.

Let me emphasize that this does not mean that we will be raising taxes by \$20 million in 1985.

Instead, it presents us with the challenge of having a full year to do "whatever it takes" to control costs and improve revenues in order to reduce and possibly even eliminate the projected deficit.

The summary of the proposed 1984 operating budget and the projected 1985 revenue - expenditure gap is included in the submitted budget.

One major cause of our financial problems stems from the fact that there has been essentially no growth in the assessed values of real estate. In spite of the tremendous growth in property values over time, especially in the Downtown section, City-wide assessments have been increasing at an annual rate of less than 1%.

In an attempt to reverse this trend, I am instructing the Law Department in 1984 to challenge the assessment of any major building which is clearly underassessed. A study of major real estate transactions over the past two years in the Downtown area of the City revealed a gap of more than \$100 million between selling prices and assessed

market values. It is our expectation that an accurate reassessment of the properties in the Central Business District would result in increased revenues of at least \$2 million for 1985.

A second area of concern is the frightening growth in the costs of providing employee fringe benefits, particularly those related to health care costs, which have doubled over the last three years. For this reason, I have instructed our Finance Department to undertake a study aimed at containing our fringe benefit costs.

A third area of concern is the debt service costs associated with our capital program. This administration is fully committed to the repair and replacement of our infrastructure, as evidenced by the proposed major increase in capital expenditures for our water and sewer systems and the magnitude of the capital program for roads and bridges over the past three years. However, in an effort to reduce the debt service costs associated with financing the capital program through the general fund, I will instruct the new Department of Engineering and Construction to establish a goal to reduce the level of the City's annual borrowing while continuing to finance all necessary improvement projects. Furthermore, it is my belief that by 1985, the improved efficiencies of this newly centralized Department will enable us to avoid costly overruns and schedule delays, which in the final analysis will result in savings to our taxpayers.

A fourth area where improvements must continue to occur is in the area of tax and revenue collection efforts. With our PGH-40 program and increased auditing capabilities, we have made significant progress in collecting revenues owed to the City. We must continue to enhance our revenue

collections through modern cash management systems, increased auditing capabilities, systematic monitoring of all outstanding receivables and increased enforcement efforts against all delinquent taxpayers. Even more important that the additional revenue generated by these procedures is the fact that the failure to take a hard line in these areas results in having to increase taxes on the law abiding citizens to cover the lost revenues uncollected from tax evaders.

Finally, I am instructing the Budget Office to continue to work with all departments to improve efficiencies and to control costs to enable us to end 1984 with a surplus. The only way that this can be done is to spend less than what has been budgeted. Due to the fact that the 1984 budget is less than 3% larger than the 1983 budget, this will be no easy task. However, it must be done to give us any change of submitting next year's budget without a tax increase.

1984 Capital Program

With respect to the 1984 Capital Budget and the 1984-1989 Six Year Development Program we will continue to place a major emphasis on neighborhood improvements. As has been the case in the past, approximately 75% of the total capital program is targeted for projects and programs that directly benefit our neighborhoods.

Expenditures for housing programs continue to represent the largest single element of the capital program. Housing programs funded through this process include the Home Improvement Loan Program, the Rental Housing Improvement Program, the Low Interest Mortgage Program and the Neighborhood Reinvestment Program.

While the largest share of capital

spending has been and will continue to be for neighborhood development, the unparalleled growth in the downtown area cannot be ignored or minimized. The private development efforts, which are in excess \$2 billion in downtown construction, will result in 7 million square feet of new and rehabilitated office space, 500,000 square feet of commercial and retail space, construction of a new hotel and parking garages, an improved transit system of busways and a new subway, public park and public space improvements, and the reconstruction of nearly 50% of the downtown streets.

The City's commitment to the downtown portion of Renaissance II includes a \$23 million allocation in the six-year program for Central Business District improvements. Projects include the reconstruction of Grant Street, Smithfield Street and Wood Street as well as the development of a comprehensive traffic signal coordination program.

Economic development efforts are not limited to the Golden Triangle. A combination of City, State and Federal Dollars will be used to support private sector economic development efforts over the next six years in the North Shore and Stadium area, Herr's Island, the Strip District and for a high-tech industrial and office facility on the former J & L property along Second Avenue.

In addition, the capital program provides for the rehabilitation and reconstruction of seven swimming pools and seven playgrounds; for the continued reconstruction of the Zoo and Phipps Conservatory; for the renovation of City fire, police and emergency medical services stations; for the purchase of new fire equipment; and for increased access to buildings for the handicapped.

Final Word

In presenting the 1984 Budget to you today, there are two essential messages that must be conveyed.

One is that Pittsburgh has come a long way since my first budget message.

Working together we have shown a willingness and an ability to make Pittsburgh a better place in which to live. Together we have increased our capital spending program and our commitment to maintain our infrastructure; we have reorganized City government to improve operations; we have reduced personnel levels where possible; and we have even raised taxes when it was unavoidable. We've made the tough decisions when we had to!

The other is that although we have, indeed, come a long way over the last seven years, we still have a long way to go if we are to keep the spirit of Renaissance II alive.

Each year will be a continual struggle to balance the budget and to improve management capabilities in order to reduce costs. I believe that the major changes proposed in the 1984 budget begin to take us down the road that we must travel together in order to keep Pittsburgh's financial house in order.

At this time, I am pleased to announce that I have been in close contact with the recently elected Mayor of Philadelphia. For the first time in many years, the Mayors of Pennsylvania's two largest cities have agreed to work closely together to solve common urban problems. For too long, these two great cities have been in opposition to each other.

The trust and friendship that we

have developed will benefit not only Pittsburgh and Philadelphia but all urban areas within the State.

For as Ben Franklin so clearly phrased it on the eve of the Revolutionary War, "We must all hang together, or assuredly we shall all hang separately."

That is the challenge which confronts us as Pittsburghers and as Pennsylvanians. It is a challenge I will not shrink from. It is a challenge over which we must prevail.

That is my commitment to the people of Pittsburgh.

Richard Caliguiri
Mayor

Mr. Stone:

If I may, I would like to introduce the two Councilmen Elect, Mr. Steve Grabowski and Mr. Jack Wagner. I'd also like to introduce a man who has become our Councilman emeritus, Mr. Louis Mason.

PRESENTATIONS

Mr. Robinson:

Members of Council, it's a pleasure to be able to offer this resolution today on behalf of a young man who grew up in our City, here in Pittsburgh, and has international recognition now. The young man's name is Mr. John Wideman. He's an internationally reknown author and I think we should be duly proud of his work.

Unfortunately, Mr. Wideman is not going to be in the City until the 18th, which is this Friday. He will be here to speak at Community College, the

Homewood/Brushton Branch, and is staying at his mother's, Mrs. Betty A. Wideman. Would she please come forward to accept this resolution?

I'd also like to recognize some of the other people who are here in the audience and who are part of the effort to honor Mr. Wideman. Mr. George E. Carter, who is the Director of the Homewood/Brushton Center of Community College of Allegheny County, Mr. Wayne Holt, who is the Director of New Options at Community College, Mr. Arthur Butler, the Assistant Director, Mr. Butler and I are fraternity brothers and it's good to see him here, Mr. James Allen, who is the President of the Student Government at the Homewood/Brushton Center of Community College, and Donna Woods, who is a member of student government there.

Also, there are two other distinguished Pittsburghers in our audience today, people who have worked very hard on behalf of this community, Mr. Walter Worthington, who is the Chairperson of the African Heritage Classroom Committee of the University of Pittsburgh and Mrs. Nancy Lee, who is a member of the African Heritage Classroom Committee.

We certainly welcome all of you here today.

Mr. Robinson presents

Bill No. 4042 WHEREAS, John Edgar Wideman was born in our Nation's capitol, Washington, District of Columbia and attended the Pittsburgh Public Schools, and graduated from Peabody High School; and

WHEREAS, John Edgar Wideman distinguished himself as one of the City's most outstanding high school basketball

players and achieved the distinction of being named to the All-City Basketball Team in addition to other honors; and

WHEREAS, John Edgar Wideman was a student/athlete in the true sense of its meaning and graduated from the University of Pennsylvania, Phi Beta Kappa and as an outstanding basketball player; and

WHEREAS, his academic excellence was rewarded by his being named a Rhodes Scholar at Oxford University where he prepared himself for a literary career and writer of four internationally acclaimed books, "Sent For You Yesterday", "Coming Soon", "Hiding Place", and "Damballah"; and

WHEREAS, he is a graduate of the Iowa Writers Workshop, and a Professor of English at the University of Wyoming; and

WHEREAS, the "New York Times Review of Books" has called John Edgar Wideman "one of America's premier writers of Fiction", and the Philadelphia Inquirer put him "up there with Baldwin and Claude Brown and possibly beyond"; and

WHEREAS, his novels have brought to life the human drama of the Homewood section of our City to thousands of readers across the world and highlighted its rich and illustrious history.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh does recognize and honor the outstanding accomplishments of our "Native Son", John Edgar Wideman, and extends to him and his family our best wishes for future success.

Mr. Robinson moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Robinson:

I'd just like to mention two other things. One, this coming Friday, from 4:00 to 6:00, as I mentioned, Mr. Wideman will be at the Homewood/Brushton Branch of Community College on North Homewood Avenue. For those of you who would like to pay tribute to him and come out and here him speak, I think he would be duly honored.

We probably, in this City, have not had a person of his literary talent in a long, long time. He's an outstanding young man. I'm very proud to have grown up with him and been in this City when he was here.

Also, I failed to mention that Mr. Wideman taught at the University of Pennsylvania. The accomplishments that are listed in this resolution, I think, are outstanding. If you think on it for a long, long time, I think you will recognize that we have an intellectual giant in our midst and I think we ought to be very proud of him.

Mrs. Wideman:

I'd just like to say thank you, first from me and secondly from my son, John. He would say it much better but it comes from both our hearts. Thank you.

Mr. Woods presents

Bill No. 4043 WHEREAS, Holiday Project is an organization dedicated to the well being of those members of our community confined to hospitals,

convalescent homes, prisons, and detention centers during the holiday season; and

WHEREAS, these dedicated volunteers bring the true meaning of Christmas and Hanukkah to these people through gift-giving and holiday visits; and

WHEREAS, these individuals, through their selfless display of love and devotion, have enriched the lives of many and serve as an inspiration to us all.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of Pittsburgh City Council hereby designate December 2, 1983 as Holiday Project Day in the City of Pittsburgh in recognition of the humanitarian concern of the many Holiday Project volunteers, and wish to focus attention on the fund-raising efforts of the Holiday Project organization during this holiday season to help sustain their charitable programs and attract more volunteers to their worthy cause.

Mr. Woods moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Givens presented

No. 4008 Resolution providing for the issuance of a warrant in favor J-Jac Construction Company in the amount of \$15,881.50 in payment for the Water Department's share of an Emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the right-of-way on Exchange Way between Eighth Street

and Ninth Street in the 2nd Ward of the City of Pittsburgh, chargeable to and payable from Code Account PW 83-17, 4-01-25-0753-83, Sanitary Sewers in Various Locations.

Which was read and referred to the Committee on Finance.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Flaherty seconded the motion.

Which motion prevailed.

Also,

No. 4009 Resolution providing for the issuance of a warrant in favor of Dick Corporation/Contractors in the amount of \$9,770.00 in payment for an Emergency Contract furnished for the benefit of the City in connection with the repairs of a pin connection on the Ft. Pitt Boulevard-Eastbound, chargeable to and payable from Code Account PW 83-18, 4-01-30-0001-83, Misc. Repairs to Streets and Structures.

Also,

No. 4010 Resolution transferring \$1,250.00 from Code Account 1544-1, Chartiers Flood Protection Project to Special Trust Fund C.F.P.P. Chartiers Flood Protection Project/Operation and Maintenance, Dept. of Public Works.

Which were read and referred to the Committee on Finance.

Also,

No. 4011 Resolution vacating Kimberly (Kimberlin) Way from Wilson

Avenue to a point 160 feet northeasterly therefrom in the 26th Ward of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Also,

No. 4012 Resolution providing for an Agreement or Agreements with the Lawrenceville Citizens Council, Inc. located on 37th Street in Lawrenceville to provide for general rehabilitation work on the old Saint Augustine's school building, at a cost not to exceed \$35,000.00 chargeable to and payable from the 1983 CDBG Program Trust Fund, Unspecified Local Options, Project No. _____.

Which was read and referred to the Committee on Planning, Housing and Development.

Michelle Madoff presented

No. 4013 Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$1,650.00 for delivery of Liquid Chlorine, chargeable to and payable from Code Account No. 1750, Chemicals.

Also,

No. 4014 Resolution providing for the issuance of a warrant in favor of Pittsburgh Crane & Hoist Company, Inc., 4200 Ohio River Boulevard, Pgh., PA 15202 in the amount of \$737.15, in payment for repair to an Overhead Crane, chargeable to and payable from Code Account No. 1705, Repairs.

Which were read and referred to the Committee on Finance.

Mrs. Masloff presented

No. 4015 Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$774.07 for reimbursement of utility costs for the Sheraden Senior Citizens Center, chargeable to and payable from Code Account 1803, Utilities, Dept. of Parks and Recreation.

Also,

No. 4016 Resolution authorizing the issuance of a warrant in favor of Cheyenne Mountain Zoological Park in the amount of \$150.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation.

Also,

No. 4017 Resolution authorizing the issuance of a warrant in favor of Fortune Glen Aviaries in the amount of \$325.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation.

Also,

No. 4018 Resolution authorizing the issuance of a warrant in favor of Steve Neverburg International Bird Importers in the amount of \$750.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from Aviary Trust Fund, ATF, Dept. of Parks and Recreation.

Which were severally read and referred to the Committee on Finance.

Also,

No. 4019 Resolution further amending Res. No. 504, eff. 5/29/81 as amended by Res. No. 975, eff. 10/31/81 entitled: "Providing for the letting of a Contract or Contracts for the construction of the restroom building at Quarry Field; and providing for the payment of the cost thereof," by decreasing the amount provided from \$70,176.00 to \$67,341.00, \$67,165.00 chargeable to and payable from 4-10-05-1410-80-204-80-10 (PR80-28) 80CDPR, Quarry Field Restrooms - Design and Construction and \$176.00 from 4-10-10-1496-75-120-75-10 75CDPR, Parks and Playgrounds, Dept. of Parks and Recreation.

Also,

No. 4020 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting authorization for Leonard Duncan, Anthony DiMaria and Pauline Herron to attend the Pepsi Hot Shot Finals in Cleveland, Ohio, on November 18 and 19, 1983 at no cost to the City of Pittsburgh. Prior approval granted by Council.

Which were read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 4021 Resolution transferring the sum of \$2,500.00 from Code Account 1102 Salaries and Wages, Regular and Temporary Employees Department of City Planning, to Code Account No. 1103, Miscellaneous Services. This request is being made because of the unexpected rise in the number of repairs to office equipment, the increased cost of the Xerox machine, as well as repairs to the Ozalid machine.

Which was read and referred to the Committee on Finance.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 4022 Resolution approving a Conditional Use under Section 993.01(a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for an Institutional Facility for adult male recovering alcoholics located at 800, 814, 816 & 818 EAST OHIO STREET, 23rd Ward. (DENIED BY THE PLANNING COMMISSION)

Also,

No. 4023 Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 420-22 TRIPOLI STREET, 23rd Ward. (DENIED BY THE PLANNING COMMISSION)

Also,

No. 4024 Resolution approving a Conditional Use under Section 993.01(a)A(43) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of 8524 BRICELYN STREET by Alternative Program Associates, Inc., as a Group Residence Facility for twelve adolescents with adult supervision, 13th Ward.

Also,

No. 4025 Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 1216 MIDDLE STREET, 23rd Ward.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Woods for Mr. Stone presented

No. 4026 Resolution transferring the sum of \$5,000.00 to Code Account No. 1042-1, Premium Pay, Information Systems Bureau of the Mayor's Office from Code Account No. 1043, Miscellaneous Services. For the remaining weeks of 1983 it will be necessary to incur and pay premium pay for the following reasons: 1) Council Budget preparation, 2) Additional data-entry resulting from increased collections of Traffic Court fines, and 3) Possible requirement to change work schedules for Controller's FAMIS Project.

Which was read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bill

only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Robinson seconded the motion.

Which motion prevailed.

Also,

No. 4027 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, by changing the rate of interest on certain delinquent earned income and Home Rule Taxes.

Also,

No. 4028 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245.03(b) by correcting a section number.

Also,

No. 4029 Resolution providing for the issuance of a warrant to Duquesne Light Company, c/o David H. Cashman, Esquire, 1212 Manor Building, Pgh., PA 15219 in the amount of \$4,500.00 in full settlement of a claim for property damage, at a cost not to exceed \$4,500.00 payable from Code Account No. 46, Judgments.

Also,

No. 4030 Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of \$3,867.89 to the Commonwealth of Pa., representing the final payment required for unclaimed funds for the year 1975 pursuant to the provisions of the Deposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74, payable from Warrants Outstanding General Fund

\$2,842.18, Warrants Outstanding Water Fund \$613.72, Warrants Outstanding Special Fund \$198.30, Checks Outstanding Special Trust Fund No. 1 \$123.69.

Also,

No. 4031 Resolution transferring \$50,000.00 from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Department of Finance to Code Account No. 51, Departmental Postage, Department of Finance.

Also,

No. 4032 Resolution transferring \$11,000.00 from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Department of Finance to Code Account No. 1100, Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 4033 Resolution providing for an Agreement or Agreements with the Greater Pittsburgh Labor-Management Committee, Inc. for the establishment of a labor management committee program with grant funds and matching funds from the City, for the creation of the Labor Management Committee Program Trust Fund, for the transfer of the sum of \$11,000.00 into said trust fund, and for an Agreement or Agreements with the American Federation of State, County and Municipal Employees to establish procedures for the joint control of expenditures made from said trust fund.

Also,

No. 4034 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting authorization for

Lois Brown and Barbara Funari to attend a training class on the Honeywell Level 6 on concepts and utilization in Atlanta, Georgia, November 14-21, 1983, at a cost not to exceed \$3,100.00 chargeable to and payable from Code Account C.F.M.I.S., Controller's Financial Management Information System. Prior approval granted by Council.

Also,

No. 4035 Communication from Raymond E. Johnson, Jr., Deputy City Controller, requesting authorization for Fred Brenner to attend classes on the Honeywell Level 6 in Boston, Massachusetts, November 11-27, 1983, at a cost not to exceed \$1,700.00 chargeable to and payable from Code Account C.F.M.I.S., Controller's Financial Management Information System.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Woods moved to suspend Rule 8 providing for the mailing of printed copies of all ordinances and resolutions to each member of Council at least 48 hours previous to their consideration by Council after the return of such papers from Committee.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Woods for Mr. Stone presented

Bill No. 4036

Report of the Committee on Finance for November 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3917

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Air and Power Service Co. in the amount of \$2,800.00 in payment for the installation of a compressor in the No. 2 EdPac Unit located in the computer room at the Public Safety Building and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3918

A Resolution entitled, "Resolution transferring the sum of \$7,000.00 from Code Account 1362-2, Electric Current to Code Account 1362, Supplies, Dept. of

Lands and Buildings. We are requesting this transfer to compensate for the payment of a 1982 invoice to Hilti, Inc. in the amount of \$5,400.00. This transfer is needed to allow for the purchase of supplies for the remainder of 1983."

Which was read.

Also,

Bill No. 3919

A Resolution entitled, "Resolution transferring the sum of \$6,000.00 from Code Account 1363, Materials to Code Account 1364, Repairs, Dept. of Lands and Buildings. This transfer is requested to reimburse Code Account 1364 for materials purchased out of this account."

Which was read.

Also,

Bill No. 3930

A Resolution entitled, "Resolution transferring the amount of \$25,000.00 from Code Account 1612-4 Salt, to Code Account 1612-5, Rental of Equipment, both accounts within the Bureau of Operations, Dept. of Public Works. This transfer is necessary to provide funds for the rental of Heavy Equipment for the cleaning of Saw Mill Run Creek from Bausman Street to the City boundary at Provost Road."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3943

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Spiniello Construction Company, P.O. Box 4282, Pgh., PA 15203, in the amount of \$200,000.00, in payment for Extra Work furnished for the benefit of the City in connection with the City Controller's Contract No. 25456, Liner Highland Reservoir #1, chargeable to and payable from Capital Budget Account No. WD-81-02 (4-05-02-0986-81), Dept. of Water."

Which was read.

Also,

Bill No. 3944

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Dohrmann-Division of Xertex Corp., P.O. Box 45580, Rincon Annex, San Francisco, CA 94145, in the amount of \$1,297.83, in payment for repair of a Total Organic Analyser furnished for the benefit of the City, chargeable to and payable from Code Account No. 1705, Repairs."

Which was read.

Also,

Bill No. 3943

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Zoological Society of Philadelphia in the amount of \$150.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation."

Which was read.

Also,

Bill No. 3949

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of San Antonio Zoological Society in the amount of \$425.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation."

Which was read.

Also,

Bill No. 3950

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Fortune Glen Aviaries in the amount of \$322.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, chargeable to and payable from the Aviary Trust Fund, ATF, Dept. of Parks and Recreation."

Which was read.

Also,

Bill No. 3965

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Dan Waldan, 1621 Forbes Avenue, Pgh., PA 15219, in the amount of \$6,376.18 for refund of monies paid for purchase of properties in the October 18, 1982 City Treasurer's Sale in which the City of Pgh. conveyed the properties with defective titles making the sales invalid, chargeable to and payable from Code Account No. 43-1, Refunds, Fines, Etc., Dept. of Finance."

Which was read.

Also,

Bill No. 3966

A Resolution entitled, "Resolution providing for the issuance of a warrant to Mary Ellen Keady, c/o Richard S. Ombres, Esquire, 6 Market Square, Pgh., PA 15222, in the amount of \$3,500.00 in full settlement of a claim for personal injuries, payable from Code Account No. 46, Judgments."

Which was read.

Also,

Bill No. 3967

A Resolution entitled, "Resolution providing for the issuance of a warrant to Minnie Zielinski and Bernadine M. Bombach, c/o Richard L. Jacobs, Esquire, 1097 North Avenue, Pgh., PA 15209, in the amount of \$3,500.00 in full settlement of a claim for property damage, payable from Code Account No. 46, Judgments."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 3968

A Resolution entitled, "Resolution transferring \$9,000.00 from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Dept. of Finance to Code Account No. 43-1, Refunds, Fines, Etc., Dept. of Finance."

Which was read.

Also,

Bill No. 3969

A Resolution entitled, "Resolution transferring \$1,400,000.00 from Code Account No. 41, Refunds, Real Estate Tax, Dept. of Finance to the Real Estate Refund Trust Fund Account."

Which was read.

Also,

Bill No. 3970

A Resolution entitled, "Resolution

transferring \$5,000.00 from Code Account No. 1022, Salaries, Regular Employees, to Code Account No. 1022-1, Premium Pay. This transfer of funds is necessary to replenish the soon to be depleted premium pay account."

Which was read.

Also,

Bill No. 3971

A Resolution entitled, "Resolution amending Res. No. 214, appr. March 23, 1983 entitled: "Authorizing an Emergency Jobs Program, authorizing the City Controller to create a special trust fund entitled, 'Emergency Jobs Program Trust Fund' (EJPTF)," by increasing the amount of the Agreement with the Pittsburgh Clean City Committee from \$1,100,000.00 to \$1,251,000.00 chargeable to and payable from Emergency Jobs Program Trust Fund (EJPTF)."

Which was read.

Also,

Bill No. 3994

A Resolution entitled, "Resolution directing the Human Relations Commission, City of Pittsburgh, to initiate a fact finding process to determine to what extent the City of Pittsburgh is in compliance with the ruling of Judge Gerald Weber relative to the hiring and promotion of police officers and fire fighters in the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 4037

Report of the Committee on Public Works for November 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3935

A Resolution entitled, "Resolution granting unto Cigna I Restaurant, its successors and assigns, the privilege and license to construct, maintain and use at its own cost and expense, seven (7) tree planters in a portion of the sidewalk of 49th Street, in the 9th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3936

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Michael Baker, Jr., Inc., for Preliminary Design and License Application in connection with the proposed Hydroelectric Plant at Allegheny River Lock and Dam No. 2, at a cost not to exceed \$315,000.00 chargeable to and payable from Code Account PW 83-40, 4-01-30-0100-83, Hydroelectric Plant at Allegheny River Lock and Dam No. 2."

Which was read.

Also,

Bill No. 3937

A Resolution entitled, "Resolution further amending Res. No. 1385, appr. Dec. 27, 1982, eff. Jan. 1, 1983, as amended, entitled: "Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program," by creating a new line item and adjusting the Summary Totals."

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
	(Pres't Pro tem)

AYES 6 NOES none

And a majority of the votes of

Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4038

Report of the Committee on Planning, Housing and Development for November 9, 1983 transmitting sundry ordinances and sundry resolutions.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3735

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 8 by changing from "R3" Multiple-Family Residence District to "C3" Commercial District all that certain property having frontage on the westerly side of BROWNSVILLE ROAD between ALICE STREET and MCKINLEY AVENUE, 30th Ward.

Which was read.

Also,

Bill No. 3783

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 10 by changing from "R3" Multiple-Family Residence District to "M2" Limited Industrial District certain property located on the southerly side of BUTLER STREET between FIFTY-FIFTH and FIFTY-SIXTH STREETS, 10th Ward."

Which was read.

Also,

Bill No. 3824

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 11 by changing from "R3" Multiple-Family Residence District to "C3" Commercial District all that certain property located on the easterly side of S. AIKEN AVENUE identified as 463 S. AIKEN AVENUE being Lot No. 198, Block 51-L in the Allegheny County Block and Lot System, 8th Ward."

Which was read.

Also,

Bill No. 3957

A Resolution entitled, "Resolution establishing conditions and requirements for the receipt, distribution, and management of Urban Development Action Grant Funds received by the City of Pittsburgh."

Which was read.

Also,

Bill No. 3958

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly owned property in the 12th Ward of the City of Pgh., designated in the Deed Registry Office of Allegheny County as Block and Lot 125-G-33 (6803 Kelly Street) Urban Homesteading Program for the sum of \$1.00 plus all necessary and incidental expenses."

Which was read.

Also,

Bill No. 3959

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 22nd Ward of the City of Pgh., owned by Richard and Karen S. Bartholomew, Jr., and designated as Block and Lot 23-K-246 (1203 Veto Street) in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified as blighted by the VPRC of the City of Pgh. and the Planning Commission of the City of Pgh., for the Fair Market Value plus all necessary and incidental expenses."

Which was read.

Also,

Bill No. 3960

A Resolution entitled, "Resolution authorizing the URA of Pgh. to acquire that property in the 16th Ward of the City of Pgh. owned by Sophia Sekula and designated as Block and Lot 30-E-277 (3230 Mary Street) in the Deed Registry Office of Allegheny County, under the RLRF, said property having been certified as blighted by the VPRC of the City of Pgh. and the Planning Commission of the City of Pgh., for the Fair Market Value plus all necessary and incidental expenses."

Which was read.

Also,

Bill No. 3961

A Resolution entitled, "Resolution approving a form of Contract for Disposition of Land by and between the URA of Pgh., and Gloria J. Mosely for the sale of Parcel C-40 for the sum of \$500.00, in the 11th Ward of the City of Pgh. in Redevelopment Area No. 10."

Which was read.

Also,

Bill No. 3962

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and D & E Management Company for the sale of Parcels 13 and 30A for the sum of \$3,000.00, in the 21st Ward of the City of Pgh. in Redevelopment Area No. 27."

Which was read.

Also,

Bill No. 3963

A Resolution entitled, "Resolution approving the sale of properties in the City of Pgh. by and between the URA and various Redevelopers for \$100.00 per lot — Property Management and Maintenance Program and Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3964

A Resolution entitled, "Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pgh. — Property Management and Maintenance Program and Residential Land Reserve Fund for \$1.00 per lot."

Which was read.

Also,

Bill No. 3990

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-7 of the Pittsburgh

Code, Title Nine, Zoning, Article V, Chapter 993 for authorization to construct a two-story building to be used as a residential work-release restitution center for 25 female adult offenders with supervision. The property is zoned "I-C" Institutional-Civic District and is identified as Lot No. 17, Block 28-E in the Allegheny County Block and Lot System; and Lot No. 97, Block 28-J in the aforesaid System, 4th Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 4039

Report of the Committee on Water for November 9, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3945

A Resolution entitled, "Resolution amending Res. No. 603, appr. 6/14/82, entitled: "Providing for a Contract or Contracts for Relay of the Water Line in 44th Street; and providing for the payment of the cost thereof," by decreasing the amount from \$210,000.00 from \$122,458.53 chargeable to and payable from Capital Budget Account No. WD-82-05 (4-05-15-0002-82-28-82-05), Dept. of Water."

Which was read.

Also,

Bill No. 3985

A Resolution entitled, "Resolution amending Resolution No. 66, approved January 31, 1983, entitled, 'Providing for a contract or contracts for the Relocation of the Lowe Street Bridge Water Line; and providing for the payment of the cost thereof,' by increasing the appropriation therein."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 4040

Report of the Committee on Parks and Recreation for November 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3951

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pgh. with the United States Dept. of Interior, National Park Service, for a grant in connection with the development of a Dept. of Parks and Recreation Maintenance Management System; providing for the creation of the Maintenance Management System Trust Fund, providing for the deposit of funds into the Trust Fund; and for the payments of costs and expenses of the Maintenance Management System Project."

Which was read.

Also,

Bill No. 3952

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for repairs at various facilities including Point State Park within the Dept. of Parks and Recreation, at a cost not to exceed \$24,678.32 chargeable to and payable

from Project Code 4-10-15-0002-82 (PR 82-18) Major Repairs and Emergencies, Dept. of Parks and Recreation."

Which was read.

Also,

Bill No. 3953

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts for the construction of a new ticket sales structure and various repairs at the Pittsburgh Zoo, at a cost not to exceed \$60,000.00 chargeable to and payable from 4-10-01-0001-83 (PR 83-01) Zoo Rehabilitation, Dept. of Parks and Recreation."

Which was read.

Also,

Bill No. 3954

A Resolution entitled, "Resolution providing for a lease or leases and/or License Agreement for the use of the facilities at 200 Tabor Street in the amount not to exceed \$8,400.00 chargeable to and payable from the Dept. of Parks and Recreation's Code Account 1801, Misc. Services."

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Woods

Mrs. Masloff Mr. Stone
Mr. O'Malley (Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 4041

Report of the Committee on Lands and Buildings for November 9, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3920

A Resolution entitled, "Resolution providing for an Agreement or Agreements for architectural/engineering services and/or a Contract or Contracts for construction in connection with site stabilization on City property located on Concord Street, 23rd Ward, at a cost not to exceed \$25,000.00 chargeable to and payable from Rents City Owned Property Trust Fund (STFRCOP), Dept. of Lands and Buildings."

Which was read.

Also,

Bill No. 3921

A Resolution entitled, "Resolution providing for a Contract or Contracts, including the use of existing Contracts for construction in connection with renovations to the Bloomfield Recreation

Center, at a cost not to exceed \$35,000.00."

Which was read.

Also,

Bill No. 3922

A Resolution entitled, "Resolution providing for a Contract or Contracts, including the use of existing Contracts, for service and repairs to the HVAC system at the Aviary, at a cost not to exceed \$13,000.00 chargeable to and payable from LB 82-11 (4-25-15-2030-82) Misc. Parks Renovations, Dept. of Lands and Buildings."

Which was read.

Also,

Bill No. 3923

A Resolution entitled, "Resolution providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with renovations to the Treasurer's Office, at a cost not to exceed \$30,000.00 chargeable to and payable from LB 83-14 (4-25-15-0001-83) Renovations of Various Public Buildings, Dept. of Lands and Buildings."

Which was read.

Also,

Bill No. 3924

A Resolution entitled, "Resolution authorizing the sale of property in the 2nd Ward of the City of Pgh., designated as Block 8-S, Lot 164, 24 8th Street, to Frank J. Schneider for the sum of \$525,000.00."

Which was read.

Also,

Bill No. 3925

Resolution repealing Item E of Res. No. 802, appr. 8/12/82 for the sale of a 2 Sty. Brk. Hse. on 1011 Manhattan Street, 21st Ward, designated as Block & Lot 7-B-235, to Antoinette Wayman (Assigned to Kathleen Connors) for the sum of \$1,000.00. Resolution is to repeal sale.

Which was read.

Also,

Bill No. 3926

Resolution repealing Item J of Res. No. 311, appr. 4/22/83, for the sum of a 2 Stv. Fra. Hse. located at 1323 Hartwell Street, 28th Ward, Block & Lot 40-M-207, to Ruhullah Barekzai for the sum of \$3,000.00. Resolution is to repeal sale and return hand money.

Which was read.

Also,

Bill No. 3927

Resolution repealing Item F of Res. No. 159, appr. 3/7/83, for the sale of a 2 Sty. Brk. Hse. at 1325 Columbus Avenue, designated as Block & Lot 22-K-30, to Carl M. Henderson for the sum of \$1,200.00. Resolution is to repeal the sale and return the hand money.

Which was read.

Also,

Bill No. 3928

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in

accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. Stone
Mr. O'Malley	(Pres't Pro tem)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair, Pro tem:

At this moment, if I may, I would like to caution everyone that we begin tomorrow with Grants and Donations on Budget '84. We will begin at 10:00. There is a list that you can get from the City Clerk of those who are already signed up to appear. I think all of you have a schedule by now; if you do not, you can also obtain that from the Clerk but you should have had it about a week ago.

In addition to that, I would be remiss if I didn't make a comment. I had the opportunity to be in San Francisco over this weekend and to ride the Bart System. I would just like to have this

record reflect that that skybus which was originally intended for this community, we would have been riding it at the present time at the cost of \$80 million. The present system that we have might be more defined technically as the LRT System but in my definition, it was an abortive skybus system. We are not in it yet; we will not be in it for another two years. Our cost at this time is \$500 million. It's going to cost us four to five years of non-use, and some \$420 million extra to be in the new LRT System.

I have nothing but praise for the Bart System. It is regretful that we don't have the same going at 90 miles an hour.

Mr. Givens:

I have a request to have Lou Gaetano, Ron Schmeiser, and George Charlton to discuss the installation of parking meters along the Penn Avenue Corridor between Mathilda and 45th Streets.

Mike, you had called them, Lou Gaetano had called them, and they're still putting them up. And they're all going to come down. If this Council has to introduce legislation as to where parking meters go in this City, I think we're going to have to do it. But right now it's between the Parking Authority and the Director of Public Works.

The Chair, Pro tem:

Mark those streets down and let me cover that at the Parking Authority meeting.

Mr. Givens:

I'd like to have a post agenda this Wednesday on it. Those guys are still doing it and I just can't believe it. The

people out there don't want it and yet the City disregards what the people want.

Mr. Woods:

I'd like to clear up something. I made a statement last Monday when we passed the group home ordinance. Michelle Madoff asked me if that took in personal care boarding homes. I said that I assume it does. But it does not. It's just group homes. I want to clarify that.

Mr. Robinson:

I'd just like to mention to the members of Council in regard to the resolution that we passed for Mr. Wideman, that the African Heritage Classroom Committee, which is also sponsoring Mr. Wideman here in the City this weekend, will be hosting him for a lecture on Sunday, November 20th, at 2:00 p.m. in Bannet Hall, located on the corner of O'Hara and Zachary Streets. That's on the campus of the University of Pittsburgh and it begins at 2:00 p.m. Miss Nancy Lee is the campaign coordinator and Mr. Walter Worthington is the Chairman of the African Heritage Classroom Committee.

The Chair, Pro tem:

I would be remiss if I didn't mention at this time that our Council President, Mr. DePasquale, was on his way to this meeting and experienced some transportation problems.

Mr. Robinson moved to excuse Mr. DePasquale for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, November 21, 1983

No. 45

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, November 21, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. Woods:

Mr. President, could we please have a moment of silence for Fred Gaultieri who passed away this morning. Fred was a great labor leader and helpful to all, not just those in labor. He was really a wonderful man.

The Chair:

I'd just like to say that Fred Gaultieri was a long time friend of mine and Ben's and anybody who is in labor. He's going to be sorely missed.

Thank you.

PRESENTATIONS

Mr. Flaherty presented

No. 4044 Resolution providing for the issuance of a warrant in favor of Westinghouse Electric Supply Company in the amount of \$508.00 for a circuit breaker box, furnished for the benefit of the City in connection with emergency repairs to the air handler unit in the Public Safety Building, chargeable to and payable from Code Account 1363, Materials, Dept. of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 4045 Resolution providing for a Contract or Contracts, including the use of existing Contracts, for construction in connection with renovations to No. 5 Police Station, at a cost not to exceed \$65,000.00 chargeable to and payable from Capital Project LB 83-08 (4-25-05-0075) Station 5 (East Liberty) Rehabilitation, Dept. of Lands and Buildings.

Also,

No. 4046 Resolution providing for a license to Duquesne Light company for the installation of an overhead electrical system consisting of one (1) pole and two (2) anchors on City property designated as Block and Lot 77-R-362 and 46-C-97, 26th Ward in connection with electrical service to the area.

Also,

No. 4047 Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in the 22nd Ward of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$17,900.00. Court costs to be paid from Code Account No. 1088, Misc. Services, Supplies, Equipment, etc., and repaid to said Code Account from sale price.

Also,

No. 4048 Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 8 H, Lot 125 to the Pennsylvania Department of Transportation for the sum of \$10,220.00.

Also,

No. 4049 Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 8 H, Lot 97 and Block 9 E, Lot 70, to the Pennsylvania Department of Transportation for the total sum of \$14,520.00.

Also,

No. 4050 Resolution amending Item (B) of Res. No. 871 of 10-14-83, for

the sale of a lot in the 12th Ward, Lemington Avenue, Block and Lot 173-K-93 to Matthew Tomlin, for the sum of \$250.00. Amendment is to correct the lot size to read 25 X avg. 61.71 X 28.67.

Also,

No. 4051 Resolution amending Item (E) of Res. No. 871, appr. 10-14-83, for the sale of 2 vacant lots in the 16th Ward, St. Michael Street, Block and Lot 3-S-58-59, to Robert A. Reese & Patricia L. Stockline, for the sum of \$400.00. Amendment is to correct Parcel 3-S-58, T.D.B.V. page to read 39 instead of 19, and in Parcel 3-S-59, T.D.B.V. should read 11 instead of 13.

Also,

No. 4052 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 4053 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 4054 Communication from Daryl H. Smith, Director, Dept. of Lands and Buildings, requesting interim approval to make payment to Eastley, Inc. for services provided in connection with the installation of a new heating system at the 4th Division of Public Works, at a cost not to exceed \$19,000.00 payable from Capital Project LB 83-14, Renovations of Various Public Buildings.

Which were severally read and referred

to the Committee on Lands and Buildings.

Mr. Givens presented

No. 4055 Resolution providing for the issuance of a warrant in favor of Michael Facchiano Construction Company in the amount of \$4,486.31 in payment for Extra Work, being in addition to the original Contract Price of \$63,896.00 on Controller's Contract No. 26524, furnished for the benefit of the City in connection with the Concrete Step Construction on Halsey Place from Colorado Street to Mannheim Street, payable from Code Account PW 81-34, 4-01-30-0958-81, Step Reconstruction. Prior approval by Council Bill No. 3939, dated November 10, 1983.

Also,

No. 4056 Resolution providing for the issuance of a warrant in favor of Sphere, in the amount of \$273.00 in payment for advertisement in connection with the publication of a job classification description for an Engineering Division Supervisor - Traffic Engineering, Dept. of Public Works, chargeable to and payable from Code Account 1502, Misc. Services, Bureau of Operations, Dept. of Public Works. Prior approval by Council Bill No. 3940, dated November 10, 1983)

Which were read and referred to the Committee on Finance.

Also,

No. 4057 Resolution vacating Symphony Lane from a point 120 feet east of Sixth Street to its easterly terminus, Exchange Way from Seventh Street to its westerly terminus and Symphony Lane from Liberty Avenue to its northerly terminus in the 2nd Ward of the City of Pittsburgh.

Also,

No. 4058 Resolution providing for an Agreement or Agreements with various property owners in the area bounded by Liberty Avenue, Penn Avenue, Sixth Street and Eighth Street to permit encroachments necessitated by the construction of an office building and the renovation of the Stanley Theatre.

Also,

No. 4059 Resolution providing for an Agreement or Agreements with Mellon Bank, N.A., for the grant of an easement for the construction, maintenance and use of tunnels beneath the surface of Grant Street and William Penn Way and connecting facilities owned or utilized by Mellon Bank, N.A.

Also,

No. 4060 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for Brother Emenecker, F.S.C. and George Whitmer to attend a meeting in Washington, D.C., on November 15, 1983, to meet with the staffs of Rep. William Coyne, Rep. Douglas Walgren, and Rep. Joseph Gaydos concerning the review of impact of the proposed Cable Television Bill H.R. 4103 on the City of Pittsburgh and on the existing agreement with Warner Cable Corporation of Pittsburgh.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 4061 Resolution providing for the a Contract or Contracts for the Replacement of Water Lines in Various Locations at a cost not to exceed \$400,000.00 chargeable to and payable from Capital Budget Account No. WD-83-08, (4-05-15-0002-83) \$200,000.00,

and (4-05-15-0002-83-28-83-05)
\$200,000.00.

Which was read and referred to the
Committee on Water.

Michelle Madoff moved to suspend Rule
8 by providing for consideration of the
bill only until or after the 9th calendar
day following the meeting in which the
bill was introduced so the bill will be on
the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Also,

No. 4062 Resolution providing for
the issuance of a warrant in favor of
Casciato Brothers, 3301 Hyperion Street,
Pgh., PA 15214, in the amount of
\$27,288.20 in payment for Extra Work
furnished for the benefit of the City in
connection with Water Line Installation
in the West End - Elliott Area,
chargeable to and payable from Capital
Budget Account No. WD-81-07 (4-05-15-
0001-81), Dept. of Water. Prior approval
by Council Bill No. 3820, 1983.

Also,

No. 4063 Resolution providing for
the issuance of a warrant in favor of
Globe Linings, Inc., 1901 East Wardlow
Road, Long Beach CA 90807, in the
amount of \$24,540.00 in payment for
Repair to the Cover at McNaugher
Reservoir furnished for the benefit of
the City, chargeable to and payable from
Capital Budget Account No. WD-83-23
(4-05-02-0991-83), Dept. of Water.

Also,

No. 4064 Resolution providing for
the issuance of a warrant in favor of
Wesco, 209 West General Robinson

Street, Pgh., PA 15212, in the amount of
\$2,510.00 in payment for Computerized
Testing of Switchgear and Transformer
Equipment at the Highland Pumping
Station, chargeable to and payable from
Capital Budget Account No. WD-81-05
(4-05-06-0100-81), Dept. of Water. Prior
approval by Council Bill No. 2974, 1983.

Also,

No. 4065 Resolution providing for
the issuance of a warrant in favor of
American Railroad Construction
Company, P.O. Box 54, Houston, PA
15342, in the amount of \$853.06 in
payment for Repair of Railroad Tracks
at the Water Treatment Plant,
chargeable to and payable from Code
Account No. 1705, Repairs.

Also,

No. 4066 Resolution providing for
the issuance of a warrant in favor of
General Electric Supply Company, P.O.
Box 360240M, Pgh., PA 15251, in the
amount of \$781.55 in payment for
replacement of power factor solid state
boards, chargeable to and payable from
Code Account No. 1705, Repairs, Dept.
of Water. Prior approval by Council Bill
No. 3848, 1983.

Also,

No. 4067 Resolution providing for
the issuance of a warrant in favor of
Atwood & Bates Construction Company,
3624 Bates Street, Pgh., PA 15213, in
the amount of \$2,000.00, in payment for
extra work furnished for the benefit of
the City in connection with City
Controller's Contract No. 26001-F, Relay
Water Line 44th Street, between Butler
and Hatfield Streets, chargeable to and
payable from Capital Budget Account
No. WD-82-05 (4-05-15-0002-82-28-82-
05).

Also,

No. 4068 Resolution transferring the sum of \$4,300,000.00 from the Water Fund to the General Fund of the City of Pittsburgh.

Also,

No. 4069. Resolution transferring \$15,000.00 from Code Account No. 1703, Utilities to Code Account No. 1709, Refunds, Dept. of Water.

Which were severally read and referred to the Committee on Finance.

Also,

No. 4070 Resolution repealing Res. No. 915, appr. Oct. 17, 1983, eff. Oct. 27, 1983, entitled: "Providing for a Contract or Contracts for Repair of the Cover at McNaugher Reservoir at a cost not to exceed \$20,000.00 chargeable to and payable from the 1983 Capital Budget Account No. WD-83-23 (4-05-02-0991-83), Dept. of Water."

Also,

No. 4071 Resolution amending Res. No. 1385, appr. Dec. 30, 1982, as amended by Res. No. 389, appr. May 23, 1983, as amended by Res. No. 910, appr. Oct. 17, 1983, entitled: "Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program" by decreasing the appropriation for line item WD-83-09 and increasing the appropriation for line item WD-83-23.

Which were read and referred to the Committee on Water.

Mrs. Masloff presented

No. 4072 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with renovation work at Mellon Park Service Building. Increasing original contract from \$22,510.00 to \$25,010.00 payable from PR 82-18, Major Repairs and Emergencies.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Malley presented

No. 4073 Resolution providing for the issuance of a warrant in favor of the Arnold Corporation, 98 Noble Avenue, Pgh., PA 15205, in the amount not to exceed \$2,005.00, in payment for Traffic Complaint and Summons Books, chargeable to and payable from Code Account No. 1447, Misc. Services, Dept. of Police.

Also,

No. 4074 Resolution transferring the sum of \$9,000.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, Dept. of Police, to Code Account No. 1446-1, Investigation Expenses, Dept. of Police.

Which were read and referred to the Committee on Finance.

Also,

No. 4075 Resolution providing for an Agreement or Agreements with a psychologist or psychologists for professional psychological services for the Dept. of Police.

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 4076 An Ordinance amending the Pittsburgh Code, Title One - Administrative, Article Nine, by adding an appropriate chapter to compensate members of boards, authorities, committees, and commissions.

Which was read and referred to the Committee on Finance.

Also,

No. 4077 Resolution approving a Conditional Use under Section 993.01(a)A 7 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Public Parking Authority of the City of Pittsburgh for authorization to construct a two-story 73 stall public parking garage on MURRAY AVENUE between FORBES AVENUE and DARLINGTON ROAD, 14th Ward.

Also,

No. 4078 Resolution amending Res. No. 441, eff. May 27, 1980, entitled: "Providing for an Agreement or Agreements with the Port Authority of Allegheny County for the operation of the Model Neighborhood Reduced Fare Bus Loop Project for the period May 1, 1980 through April 30, 1981." Extending the period from April 30, 1983 through April 30, 1984.

Also,

No. 4079 Resolution amending Res. No. 406, eff. 5/7/82 entitled: "Amending Section 1 of Res. No. 355, eff. 4/20/79, entitled: "Providing for an Agreement or Agreements for the 'Reduced Fare Bus Project' in the Hill District and Oakland and providing for the payment of the cost thereof" and repealing Res. No. 290 of 1979 by extending the period from April 30, 1980, to April 30, 1984, and by increasing the total cost from \$335,321.01 to

\$356,533.00.

Also,

No. 4080 Resolution providing for the filing of an application by the City of Pittsburgh with the U.S. Department of HUD, in connection with the Allegheny International-Urban Investment Development Project UDAG.

Also,

No. 4081 Resolution approving the sale of Parcel 1 (Penn and Liberty between 10th and 11th Streets) in the 2nd Ward of the City of Pittsburgh by and between URA and Grant-Liberty Development Group Associates for \$5,076,000.00 - Redevelopment Area No. 46. (Hotel & Office Building)

Also,

No. 4082 Resolution providing for a Cooperation Agreement with the URA of Pgh. in connection with the Administration of the Liberty Center Urban Development Action Grant and providing for the payment of the cost not to exceed \$21,000,000.00 payable from Code Account Liberty Center Urban Development Action Grant Project Trust Fund No. 4-45-02-2090-83-290-83-45.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 4083 Resolution providing for a Contract or Contracts for the furnishing, delivery and installation of furniture, at a cost not to exceed \$28,000.00 chargeable to and payable from Code Account 1079, Equipment, Department of Law.

Which was read and referred to the

Committee on Supplies.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 4084 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 1, Levy and Rate on Lands and Buildings, by imposing the Real Property Tax for 1984.

Also,

No. 4085 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 246, Home Rule Earned Income Tax, Section 246.02, Imposition of Tax, by changing the rate of tax and by clarifying administrative procedure.

Also,

No. 4086 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 256, Realty Transfer Tax, Sections 256.02(a), Levy and Rate, and 256.03, Exceptions, by changing the rate of tax and by conforming the Exceptions to amendments of the Enabling Act.

No. 4087 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 243, Business Privilege Tax,

Section 243.02, Tax Levy and Rate, by changing the rate of tax.

Also,

No. 4088 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 247, Institution and Service Privilege Tax, Section 247.02, Tax Levy and Rate, by changing the rate of tax.

Also,

No. 4089 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 253, Parking Tax, Section 253.02, Tax Levy and Rate, by changing the rate of tax.

Also,

No. 4090 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 241, Amusement Tax Computation, by changing the general rate found in Subsection (a).

Also,

No. 4091 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 245, Earned Income Tax, Section 245.02, Levy and Rate by changing the rate of tax.

Also,

No. 4092 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 249, Mercantile License Fees and Tax, Section 249.04, Tax Rate, by changing the rate of tax.

Also,

No. 4093 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 251, Occupation Privilege Tax, Section 251.02, Levy and Rate, by changing the rate of tax.

Also,

No. 4094 An Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal, Article VII, Business-Related Taxes, Chapter 255, Realty Transfer Tax, Sections 255.02(a), Levy and Rate, and 255.03, Exceptions, by changing the rate of tax and by conforming the Exceptions to amendments of the Enabling Act.

Also,

No. 4095 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 261, Personal Property Tax, Section 261.02, Levy and Rate, by changing the rate of tax.

Also,

No. 4096 An Ordinance amending the Pittsburgh Code, Title Three, Water, Article V, Rate, Charges and Uses, Chapter 331, Usage Rates, Section 2, by changing the rates.

Also,

No. 4097 An Ordinance amending the Pittsburgh Code, Title Three, Water, Article V, Rates, Charges and Uses, Chapter 332, Unmetered Water Rates by changing the rates.

Also,

No. 4098 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the

debt charges thereof for the year beginning January 1, 1984.

Also,

No. 4099 Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1984.

Also,

No. 4100 Resolution adopting and approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program.

Which were severally read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 4101 Resolution extending the term of existence of the Public Auditorium Authority of Pittsburgh and Allegheny County.

Also,

No. 4102 Resolution authorizing the City of Pittsburgh to increase its lease rental debt by entering into a supporting agreement with the Public Auditorium Authority of Pittsburgh and Allegheny County requiring annual payments by the City of Pittsburgh of one-half of the principal and interest on the said Authority's Auditorium Bonds,

Series D. Said increase in the amount of \$3,750,000.00.

Also,

No. 4103 Resolution approving the lease of the Stanley Theatre and real estate adjacent thereto by the Public Auditorium Authority of Pittsburgh and Allegheny County to the Allegheny County Joint Venture and the subsequent assignment of such lease to Pittsburgh Trust For Cultural Resources.

Also,

No. 4104 Resolution providing for the issuance of a \$1,500.00 warrant in favor of Richard Dwyer, Joan Dwyer and Landmark Savings for property damage-water running from a City alley, payable from Code Account No. 46, Judgments.

Also,

No. 4105 Resolution providing for the issuance of a \$4,000.00 warrant in favor of Horace & Frances Durham for property damage due to a malfunction in the City's main sewer line, payable from Code Account No. 46, Judgments.

Also,

No. 4106 Resolution providing for the issuance of a \$1,000.00 warrant in favor of Suzanne & William Rupert in settlement of claim for personal injury due to a fall, payable from Code Account No. 46, Judgments.

Also,

No. 4107 Resolution providing for the issuance of a warrant to William Robinson, Jr. and Lottie Robinson, husband and wife, c/o Donald I. Shrager, Esquire, 817 Frick Building, Pgh., PA 15219 in the amount of \$5,500.00 in full settlement of a claim for an auto

accident involving a City vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 4108 Resolution providing for an Agreement or Agreements with Gates, McDonald and Company for professional services in connection with the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law, at a cost not to exceed \$22,160.00 payable from Code Account No. 44-1, Unemployment Compensation Fund.

Also,

No. 4109 Communication from Richard S. Caliguiri, Mayor, requesting authorization for George R. Whitmer to attend a Board of Directors meeting of the League of Cities in Harrisburg, PA on November 16, 1983, at a cost not to exceed \$275.00 payable from Code Account No. 1017, Misc. Services, Mayor's Office. Prior approval granted by Council letter dated November 14, 1983.

Also,

No. 4110 Communication from Louis O. Caputo, Jr., Clerk Supervisor, Board of Property Assessment Appeals & Review, Allegheny County, submitting its estimated total assessment of land and buildings for the City of Pittsburgh, applicable to the year 1984.

Also,

No. 4111 Communication from John E. McGrady, City Controller, submitting a performance audit of Housekeeping and Custodial Services, Department of Lands and Buildings, as prepared by auditors from the City

Controller's office.

Which were severally read and referred to the Committee on Finance.

Michelle Madoff:

Excuse me. Those bills that were just read into the record, are they for the Budget process so that we open them up for discussion? I just want clarification.

The Chair:

Not at this time, no.

Michelle Madoff:

Mr. Stone, those bills that were just read in?

Mr. Stone:

They'll be coming up Wednesday.

Michelle Madoff:

No, I'm just saying it was just pro forma, that they were read in so that we can address them at a later date.

Thank you. I wanted to be sure I understood.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4112

Report of the Committee on Finance for November 16, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3987

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of \$7,480.00 in favor of B & L Construction Co., Inc., 1145 Fox Hill Drive, Building 2 - Suite 209, Monroeville, PA 15146, for payment of contract for the demolition and removal of three 2½ story frame dwellings and frame shed located at 1300-02-04 Voskamp Street, without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3988

A Resolution entitled, "Resolution transferring the sum of \$18,000.00 from Code Account No. 1470, Uniform Allowance, to the following Code Accounts within the Department of

Fire: \$12,000.00 to Code Account No. 1463, Miscellaneous Services and Code Account No. 1464, Supplies and Materials, \$6,000.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4008

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of J-Jac Construction Company in the amount of Fifteen Thousand Eight Hundred Eighty One Dollars and Fifty Cents (\$15,881.50) in payment for the Water Department's share of an Emergency Sewer Contract furnished for the benefit of the City in connection with the collapsed sewer within the right-of-way on Exchange Way between Eighth Street and Ninth Street in the Second Ward of the City of Pittsburgh; and providing for the payment thereof."

Which was read.

Michelle Madoff:

On Bill 4008, J-Jac Construction, I'd like to address the City Clerk. We have moved before this Council, repeatedly, that on all bills we don't get the XYZ or the Ace Company, we have the principles. In the future, I want to see a warrant in favor of J-Jac Construction Company principles who they are. Many times the principles own five and six companies. I want to see how business is going to be done, particularly since the Mayor has now formed a new commission, a new committee or a new department where we're going to have our engineers, architects, etc. on that department. I want to know how much stuff is going to go out for subcontracting and I want to see who gets the business. I think we all want to see that. It should be public information. I just used that one as an example. I don't care who it is. If it's not the owner's name, I want the principles on every bill. It was supplied to you a number of years ago. If it's too difficult to go back and check the record, which I think it is, ask the person supplying the bill to you to give you the principle which would make it easier for you because you don't have a crystal ball.

The Chair:

I'm abstaining on this bill for reasons previously given.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. Woods

AYES 8 NOES none

(MR. DEPASQUALE ABSTAINING)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 4021

A Resolution entitled, "Resolution transferring the sum of \$2,500.00 from Code Account 1102 Salaries and Wages, Regular and Temporary Employees Department of City Planning, to Code Account No. 1103, Miscellaneous Services."

Which was read.

Mr. Stone:

Mr. President, first I want to ask the City Clerk a question. Did you get any substitute account for Bill 4021?

Mr. Perry:

No.

Mr. Stone:

In that case, I move for 4021 to be recommitted.

Mr. Woods seconded the motion.

Which motion prevailed.

Michelle Madoff:

May I ask the reason?

Mr. Stone:

It's real simple. They don't want them touching these salary monies. They're to supply another account and they have not.

Michelle Madoff:

Okay.

Also,

Bill No. 4026

A Resolution entitled, "Resolution transferring \$5,000.00 to Code Account No. 1042-1, Premium Pay, Information Systems Bureau of the Mayor's Office from Code Account No. 1043, Misc. Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill

passed finally.

Mr. Givens presented

Bill No. 4113

Report of the Committee on Public Works for November 16, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3983

A Resolution entitled, "Resolution further amending Resolution No. 1023, approved October 1, 1982, effective October 14, 1982, as amended by Resolution No. 183, approved March 10, 1983, effective March 24, 1983, and repealing Resolution No. 861, approved October 3, 1983, effective October 14, 1983, entitled, 'Providing for the purchase from Josephine Schroeffel, 28 Bly Street, Frieda Jackson, 155 Brahm Street and Joseph Hartman, 30 Bly Street, and providing for all additional costs thereof, certain property in the 26th Ward of the City of Pittsburgh,' by identifying the amount of each warrant to be issued."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Robinson presented

Bill No. 4114

Report of the Committee on Planning, Housing and Development for November 16, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3991

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Podiatry Hospital of Pittsburgh for authorization to construct a three-story and basement extension and a nine-stall parking area on property located at 205 and 215 S. Negley Avenue, 8th Ward."

Which was read.

Also,

Bill No. 3992

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V,

Chapter 993 as amended, to Magee Women's Hospital for a one-story Research and Development Facility on property located on the southwest corner of Fifth and Craft Avenues, 4th Ward."

Which was read.

Also,

Bill No. 3993

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A-8 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Divine Providence Hospital for authorization to construct a two-story addition; a one-story receiving room extension and a one-story generator building on hospital property located at 1400 Arch Street, 22nd Ward."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

The Chair:

If I may, ladies and gentlemen, these next three bills are of a rather sensitive nature and —

Michelle Madoff:

Excuse me, Mr. President.

The Chair:

Would you mind if I say something?

Michelle Madoff:

I just wanted to know if you wanted to finish the one bill and then go to the three which might take a long time.

The Chair:

What bill?

Michelle Madoff:

The one bill of mine. We might want to finish that and then go to the three bills. I have one bill in Water only.

The Chair:

Why would you want to come out of Committee to go to Water?

Michelle Madoff:

I just thought that because it might take a long time to deal with the others you might want to get this out of the way. It's a quickie.

The Chair:

No.

I just wanted to say that the following three bills, 4022, 4023 and 4025 are of a very sensitive nature. I realize a lot of you in the audience came in here

today especially for those three bills but I want to plead with you, please, let's have no demonstration in regards to how these bills are voted. You're here in an orderly manner, keep orderly, and we'll try to conduct this business accordingly.

Thank you.

Also, with a **NEGATIVE** recommendation,

Bill No. 4022

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for an Institutional Facility for adult male recovering alcoholics located at 800, 814, 816 & 818 EAST OHIO STREET, 23rd Ward (DENIED BY THE PLANNING COMMISSION)."

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 4023

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 420-22 TRIPOLI STREET, 23rd Ward (DENIED BY THE PLANNING COMMISSION)."

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 4025

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 1216 MIDDLE STREET, 23rd Ward."

Which was read.

Mr. Givens:

Point of order. I think it's going to involve the City Solicitor. I'd like him up here for our counseling at this time before we get into discussion on these bills.

The Chair:

How did the City Solicitor get involved?

Mr. Givens:

Because we are talking about bills that are legal in nature and what we might do here might have to get a legal interpretation.

Mr. Robinson:

Mr. President and members of Council, on the bills that are presented today for our consideration, the particular bills in question, I'd just like to indicate that I have received a communication from the United Mental Health Incorporated from the President, Mr. Stephen C. Gordy. The reason I raised this issue before we vote and have any serious discussion on these bills is that I've indicated before that United Mental Health had worked very closely with the City Administration and this Council in putting together the original group home bill which is a model bill for

the country. I have had correspondence with their task force on group homes in the past and they have been kind enough to suggest to us that they are willing to work along with ARC House, the Administration of ARC House, to try to resolve the problems that have occurred over the last couple of years, as well as requesting assistance from our Community Technical Assistance Center, which this Council funds.

I think these are two very positive efforts on United Mental Health's part and is another example of their sincere effort to help us in these difficult times with our group homes situation.

I would like to have a copy of this letter, the full letter, included in the record for today. I won't read the total letter but the two suggestions are included and I would hope that Council would see them as some attempt to resolve this problem.

(LETTER FROM UNITED MENTAL HEALTH INC.)

November 18, 1983

The Honorable William Russell Robinson
510 City-County Building
Pittsburgh, PA 15219

Dear Councilman Robinson:

We are sure that the spectacle of turning-out brain-damaged men and women into the City's streets is one which neither you, nor United Mental Health wants to see.

Because of this, we are writing to ask you to reconsider your vote, this morning, on ARC House's North Side facilities.

First, we want to reiterate our firm support for the legislative intent of

the group home ordinance, and the City's efforts to bring group homes into compliance with the ordinance's mandates.

But our concern here (and we suspect that it is a concern shared by you also) is with the lives of those men and women now residing in ARC House facilities on the North Side.

We are aware that the City Planning Department has been attempting to work with ARC House in bringing its facilities into conformance with City zoning, fire and safety codes. We also understand that ARC House has not been able to cooperate as fully as possible because of financial constraints. (ARC House's per diem rate is \$7.00 per day.)

With this in mind, we have approached ARC House Administration and have solicited from them a firm promise to cooperate with the City. In addition, we have strongly suggested that ARC House solicit the assistance of CTAC (Community Technical Assistance Corporation) for help with getting its affairs in order. We are also aware that ARC House is cooperating with ACT Housing of Pittsburgh in finding new quarters.

From these efforts will come a formal, deadline-delineated plan of action which will address Council's legitimate concerns about ARC House violation of City ordinance.

We hope that such a plan would help Council carry out its responsibility as well as be responsive to the neighborhood's concerns.

In the event, however, that you do not feel comfortable with this proposal, and do decide to vote in favor of denying ARC House occupancy permits for its

North Side facilities, we would ask that ARC House's administration be given adequate time to arrange for the transfer of its residents into other programs before it must close its North Side facilities.

It is important for you to know that ARC House residents are, for the most part, organically brain-damaged individuals who would have a difficult, if not impossible time, functioning on their own.

Chronic alcohol abuse has robbed them of much of their faculties, and in most instances, has made them dependent upon Social Security or General Assistance for support. If they are turned out on the street, they would lose not only the roof over their heads, but also, in the case of general assistance recipients, the food out of their mouths. They would be without shelter, and without any means to support themselves.

United Mental Health is prepared, in this instance, to pull together appropriate agency representatives to assist ARC House in a smooth transition for its clients.

We hope you will seriously consider both of these options before you cast your vote today. As we said earlier, we're certain that you do not want to throw helpless individuals out on the City's streets. We hope that our suggestions will be of some help in resolving the serious issues before you.

Sincerely,

Stephen C. Gordy
President
United Mental Health, Inc.

SCG/dmh

(END - LETTER FROM UNITED MENTAL HEALTH, INC.)

Mr. Woods:

Mr. President, after Wednesday's vote in Committee on these three bills, I assume that most of my colleagues, especially Councilman Robinson, have talked about an extension. I have contacted, and Bill and I have discussed this thing all week up until today, I have contacted City Planning and the Bureau of Building Inspection for a 90-day grace period if these bills are passed today. That would include 30 days, once this bill was passed, that they could not accept any new tenants after 30 days and then 60 days to wind down.

The reason I am not asking, and I hope my colleagues do not ask, to put that in as an amendment to this bill because if we make it an amendment and they do not reach that 90 days, then we have a problem. If that 90-day period is not met at that time, then they can still negotiate for additional time.

I think that concerns all of us on Council and I think the people in the audience. I think that should alleviate some of the concerns we on Council have.

I'd like to add one more thing, if I may. These bills, since we're asking for the City Solicitor, have come from the Administration. They have been looked over by the City Solicitor. So, I don't see anything illegal about them and if they were, I'm sure he would have been here long before this telling us they were illegal.

Mr. O'Malley:

I'd just like to support Councilman Woods' position and also Councilman Robinson's position. To pick up on two

small paragraphs from that letter from Mental Health Inc., it said, "Many of these people are dependent upon social security or general assistance for support. If they are turned out on the streets, they would lose not only the roof over their heads but also, in the case of general assistance recipients, the food out of their mouths and they would be without shelter and without any means to support themselves." I certainly don't think that's the intention of anybody on this Council.

Also, in support of the 90-days, they state here that the United Mental Health is prepared in this instance to pull together appropriate agencies to help the representatives and to assist ARC House in a smooth transition for its clients.

I'm wholeheartedly in support of Councilman Woods' amendment.

The Chair:

Did you make an amendment, Ben?

Mr. Woods:

No, no. I said that I did not want to make an amendment. I said that I have spoken to both departments. There is no amendment necessary. In fact, I'm against an amendment because if we made one, that would put more pressure on the ARC House and then they could not negotiate. It would become law. They would have to be out in that period of time. This way, I spoke to both departments and they said they would give them at least 90 days.

Mr. O'Malley:

This legislation, as it's written, says they have to be out in 30 days.

Mr. Woods:

But I've spoken to both departments and they are willing to help in this transition and give them the 90 days. It's not an amendment.

Mr. Givens:

Ben, that is my concern. The fact that these came up with a negative recommendation this past Wednesday and if we vote, you know, law is law is law. We're asking for a conditional use and many aspects on all of the care facility homes. I would make a motion, if we could, to hear from Mr. Chuck Cain who has been the Executive Director. I've heard from the neighborhoods, I've heard debate within the Council of the City of Pittsburgh, but from what I'm led to believe, there's 122 some people out there who are involved in this particular program, 99 of them here within the City of Pittsburgh, and there's others throughout the county.

Is 90 days going to be enough? I think the only person who can logically answer that would be Mr. Cain and, if there's no objection, I'd like for him to explain —

The Chair:

With the exception, Mr. Givens, is that you're opening this up to a public hearing.

Mr. Woods:

There is an objection, Mr. President. If one Councilman makes an objection, it's objected to. There was a public hearing and everyone had their chance to get up and speak.

The Chair:

If Council wants unanimously hear

from Mr. Cain, it's quite proper. If they don't, -- There's one who is opposed and a couple more I guess. But it has to be unanimous.

Mr. Givens:

Okay. I'll abide by Council's rules. But the fact remains that if we vote on this by law, you know, this going back to the Planning Department and going back to other Departments, saying we'll give them 90 days of grace when in fact we are denying him these particular resolutions that are before us today. How can we deny on the one hand and on the other hand say we're going to give them 90 or even 120 days.

I think what we have to do here, Ben, and I'm just going by the law and maybe our Solicitor might be able to get up and give us some wisdom on this, I think if we say no today, if we give a negative vote, under the law this person has to be terminated. And when he's terminated, does he have fire protection? I know if I have a particular building and I do not meet the codes of the City of Pittsburgh, the fire underwriters will not insure me. The people who are insuring me for personal liability will not insure me either. So, where does Mr. Cain and his particular board and 17 years worth of hard work, where does it go if there's a tragedy that might happen among these several houses that he's occupying right now? The fact that you have denied him to come up here after 17 years of hard work, he's come to this point right now where in the letter from the United Mental Health they indicated that he has done a good job. He has tried to get some of these buildings. If you have not heard him in person, he has tried to get these buildings brought up to code. Financially, he could not do that. And the fact that we're denying him right now because of some problems down

there, what happens to 99 some clients and residents that he has there who are in the audience right now and the many phone calls of compassion that all of us have received over the telephone these last few days when this final vote has come up?

I would like at this time, Mr. President, that we would have our Solicitor come up and advise this Council if we vote negative on this what it means and if we hold it for 90 or 180 days what it means.

Dante Pellegrini
City Solicitor:

I think the question is what happens if this bill was held for 90 days. Mr. Cain of the ARC House does not have an occupancy certificate and from the point of view as to enforcement action, I don't think it would make much difference. However, if it's a question of a 90-day extension or 120-day extension, we could do that administratively and work with them.

Mr. Woods:

Could I interrupt you for one moment, Dan? I think Dick misunderstood me. I am asking for denial of this legislation but I spoke to both departments and they are willing to work with the ARC House and its people to give a 90-day period in the transition. I didn't mean at all to hold this legislation for 90 days.

Mr. Givens:

If this organization wants to conform with the rules of the City of Pittsburgh, they can conform. Mental Health is saying --

The Chair:

Mr. Givens, let's hear Mr. Woods out.

Mr. Woods:

I am asking my colleagues to vote this legislation down. And then I am asking the Administration to work with ARC House in the transition period where they will shut down without hurting anybody and give them 90 days to do it instead of 30 days. That is what I am asking.

The Chair:

Ben, maybe I don't quite understand.

Mr. Woods:

A lot of people don't understand this.

The Chair:

You're saying that you're willing to give them the 90 days. What's the problem making an amendment and including it in the legislation, whether it passes or fails? If it does fail, the 90 days is in there.

Mr. Woods:

If we make it 90 days then what choice do they have? What do they have to negotiate with?

The Chair:

I don't follow you. If you're saying no, they have to get out, they not going to be able to negotiate anyway.

Mr. Woods:

I'm asking my colleagues to vote

this legislation down, as is. Then the Administration, I am sure, the particular departments involved, will work with ARC House to work a solution out, to help them move.

Mr. Pellegrini:

You can't hold this bill for 90 days because it would die at the end of the year anyway because this Council ends in six weeks.

Mr. Givens:

Then in your infinite wisdom, what other suggestions can you make? Can we reintroduce it the first of the year?

Mr. Pellegrini:

What I'm saying is that the bill as written, if you vote in favor of it, that's a vote to grant a conditional use. If you vote against it, it's a vote to deny the conditional use.

Michelle Madoff:

Could we get clarification from Mr. Woods? I don't understand what he's saying to vote for it or against it. I don't understand his point.

The Chair:

Please Michelle. He's trying to explain something here.

Mr. Pellegrini:

The way the bill is written, if you vote in favor of the bill, you're voting to grant a conditional use to occupy the property. So, if you vote against the bill, the same way that you voted on Wednesday in the Committee session, you will vote to deny the conditional use.

Michelle Madoff:

Negative is a shut down.

Mr. Pellegrini:

It's in favor to grant the conditional use against the denial.

The other part of the bill where the problem with the ARC House is, is the building permit violations, which I understand are substantial. We would have no problem about working with ARC House for 90 days or even longer if there is substantial progress towards closing the properties down. Our major concern right now, I think from the Bureau of Building Inspection was the conditions of the property. But if we can alleviate those conditions, we can work towards a transition period even longer than 90 days as long as we know there's going to be an end. That's one thing that we always ask for, that we know that it will end at a certain point.

The Chair:

Mr. Solicitor, if I may. How would it effect the bill if we recommitted these bills for 90 days? We still could bring them up in the next 90 days and by that time they'll have been out.

Mr. Pellegrini:

No, because the bills die on the first Monday in January.

Michelle Madoff:

But it could be brought up next year.

Mr. Pellegrini:

The whole process would have to begin again.

Michelle Madoff:

With a public hearing again?

Mr. Pellegrini:

No, it would have to start at the Planning Commission and go all the way up. You see, the problem is that they have no occupancy permits at all now.

Michelle Madoff:

The more publicity they get the harder it is to rent space. So, we don't want to keep doing this over and over again.

Mr. Pellegrini:

What I'm saying is that you have to do it over again because these bills die at the end of the year. This Council ends the first Monday in January of '84.

Michelle Madoff:

Unless we vote it down now and then we just give them a gentlemen's agreement working with your department to get out. Is that correct?

Mr. Pellegrini:

That's correct.

Mr. Givens:

I just want to keep it in the same line of questioning that I started out with, that's all.

Primarily, Chuck Cain has been down there for 17 years. You know, for 16 years nobody has said a damn thing about ARC House and what good work they have done for the community, the several thousand people who have gone through there, the lives that he has saved himself. All I'm asking for and it's

before the Council of the City of Pittsburgh -- Sure we had a public hearing, but you know, there's a human cry, there's human need out there right now that's saying, "Help". All of a sudden we get letters from the United Mental Health, we're getting calls from probably the Commissioners, the Administration, everybody wants to work to make sure that ARC House and the residents there, are taken care of in some form or another. What's to stop ARC House right from today with the attention that has been brought to it, the financial problems that he has ensued over the last several years by not being able to conform to the various codes that we want him to bring the buildings up to, the fire codes and the safety codes. What if now, if someone wants to help ARC House to improve those particular buildings and that they be zoned properly. These particular bills before us are denying that particular problem solving.

On the other hand, Mr. Chuck Cain indicated to me that he wants to move out into Ohio Township. Well, if he goes out into Ohio Township, that's fine. I think reasonable people will have to say that he cannot do that on a 90-day period. If it takes him 180 to one year, I think that's what you were alluding to, Mr. President, that that might be an alternative for him. He knows possibly that that door here is being closed. If that door would open up, a new page would be turned in the 17 years of debt that this person has personally done and the organization that he's built up right around himself, if he can change the conditions, you know, if you have talked to this individual, you would have to know the fact that he was denied the opportunity of coming up here and speaking before the Council, I know we had the public hearing, but the fact that if you heard his story and what he's doing down there, I don't think we'd be in such

a hurry to want to vote these things. I would suggest to Councilman Ben Woods and to others that we hold this for the 90 days if need be and hold it for another 90, even if we have to bring it back up in the first of the year.

Michelle Madoff:

You can't. The Law Department just told you you cannot do that.

The Chair:

Mr. Givens, if I may. I'm in complete sympathy but I think what you're failing to realize is that they did not conform over a period of years. This leaves the City of Pittsburgh wide open for all the other people out there who aren't conforming. Are we to say to them we're going to give you 90, 120, 180 days? What you're saying is quite logical and morally --

Mr. Givens:

If this City is going to give them another 90 to 180 days, who is liable then? We're liable again.

I say we should hold these bills, we have the right to hold them if we want to. I feel the 90 days would be enough. If Mr. Cain would say 90 would be enough, 180 would be fine, great. I can't see conceivably how he can move 99 some residents out of a housing in Pittsburgh to anyplace unless he has a building underway and almost completed instruction. Does he have that? The answer is no, he doesn't.

The Chair:

Mr. Givens, it's within your prerogative to ask for a recommittal on those three bills.

Mr. Givens:

I'm pleading here. If we cut them out, it cuts him from the opportunity of reevaluating his situation under today's circumstances, not during the public hearing when nobody was really — I have great sympathy for the people in the neighborhoods and the neighborhood organizations. But at the same time —

The Chair:

Mr. Givens, that's all well and good and we understand what you're saying. But if you ask for a recommittal we might be able to settle this thing one way or the other. We may get the recommittal today.

Mr. Givens:

I just gave my statement. I'm not making any motions or anything at this time. I'd like to hear from my colleagues. I had the floor and now I'd like to hear from them.

Michelle Madoff:

Mr. Woods, would you give me some guidance please? Do I understand clearly that you want to stay with your original intent of the bills but have a gentlemen's agreement that you've talked to the various departments, the organization, ARC House, is on notice that they have to move because if they don't we'll be back again. But you don't want to eliminate the fact that they must move because if you do that, what you're saying is by putting 90 days on and they can't get out in 90 days, you need 120 or you need 93 days, we put them on the spot. Yet you don't want to write in a 90-day extension because they may not be able to do it and as our Solicitor said, since we're out of session in six weeks you have to start the process again. By starting the process again you draw more

attention to the problem of a good group that has done commendable work and makes it that much more difficult for them to find a suitable place because people don't want them.

So, if I hear you right, let me repeat myself. You're saying vote to remove them from location. However, we will not enforce that motion under a gentlemen's agreement, giving them sufficient time, being 90, 120, 160 days, but the community will know that we mean what we say, that all groups must comply with the rule. Is that what you're trying to say?

Mr. Woods:

That's exactly right.

Michelle Madoff:

Did you say that I was exactly right? Would you say that again, Mr. Woods? I hear that so seldom.

Mr. Woods:

You're exactly right. But I would like to add one thing. Mr. Givens made a statement that the Administration initiated this. They did not. I went to the Administration asking if we could do this with this extension. I want that cleared up. I just wanted to correct you on that point. But you are absolutely right, Michelle.

Mr. Givens:

The Solicitor indicated that the houses are in violation now, they're in violation tomorrow. If we vote no against these three bills it's still going to be no. I just talked to Mr. Cain, I just talked to his attorney. When he was put against the lamppost and had no alternatives he indicated 90 days. There's no way that he can do it in 90

days, there's no way that he can do it in 180 days. Where are we going to be, where is this Council going to be, 180 from now if we start action on these particular people? If he's in noncompliance with the zoning laws then let's give him the time to do it. If we vote this down then I think it's indicating a negative vote on what Mr. Cain and ARC House stands for and what the people that he's been trying to treat out there for the past 17 years.

I think now, Ben, seriously, it has been brought to light. The people in the neighborhood and all good people when they get together can find solutions to problems very, very quickly when they're brought to light. I thank you in your indulgence over in the North Side bringing this fact to light to the Council. But the end of the other side is what happens to the 90 some people. There's no place for them to go. He's saying that to me right now. There is no place for them to go. We had hearings here just the other day when they told us there was going to be some 1500 people. Forget about the people that the ARC House serves. There's going to be 1500 people walking the streets, homeless people, hungry people. Over there with Ted Kennedy and when he was here on the hunger pitch, you're going to find out what's happening. Fred Gaultieri didn't die because there was nothing wrong with him, he died because of the great impact that was being put on him and his union and everything else. The stresses today are tremendous. There's a greater need today than ever before for what this man is trying to do out there. There is unemployment rate that is unattainable and unacceptable within Allegheny County and with the Ohio and the Mon Valley. What are we going to do with these people, when their families break up and their homes break up and the men and the women start walking the streets,

including the children, because there's no agencies out there to take care of it. If you think it's funny, just wait until this winter comes about and we hear just one story through our local media that tells us there's a child, a woman or man who's died on the streets of Pittsburgh because there was no place for him to go. We do not have the room today to house anybody let alone through people out. Our citizens must be compassionate for another time until we can get some help for the ARC House. If we don't do that, there's no place for these people to go. Period.

Mr. Flaherty:

Mr. President, it's funny that Councilman Givens was talking in regards to Senator Kennedy. Maybe he was aware that this was on the agenda because I was just told by my aide that he's on the phone.

The Chair:

Senator Kennedy's on the phone?

Mr. Flaherty:

Yes. He's in town. I supported him a lot so I guess he's calling up his supporters.

But I was remiss because I was not at the public hearing in regard to the ARC House's situation nor was I at the Committee Meeting when we cast the vote on this. I know the newspapers reported as being unanimous. It was unanimous, perhaps, of the people who were in attendance.

But I have a question of Councilman Woods and it's concisely, what is the major community opposition to the ARC House?

Mr. Woods:

No cooperation at all. That's the main thing and I can give the instances if you'd like them and I can give you the people if you'd like them also. Like Mr. Givens gave Mr. Cain, I can name names, meetings that they've had, they've had them with Planning and if you want the names I'll give them to you and I'll give you the instances also. Do you need all that?

Mr. Flaherty:

No.

Mr. Woods:

No cooperation.

Mr. Flaherty:

Okay. I have a question for our Solicitor. Could Council approve a temporary conditional usage on this?

Mr. Pellegrini:

There's no such thing as a temporary conditional use. A conditional use you meet a certain set of criteria.

Mr. Flaherty:

Like a half year conditional use?

Mr. Pellegrini:

I don't think so.

Mr. Flaherty:

Why not?

Mr. Pellegrini:

What you're saying in effect is that a conditional use is a land use type of permit. And what you're saying is that

there's a certain set of criteria set for us in the ordinance. I don't have the criteria right here before me. If you meet those criteria, you're entitled to a conditional use no matter what. If you don't meet the criteria, you're not entitled to it. It's a yes or no decision.

Mr. Flaherty:

Okay. But there is a possibility that Council could vote for a temporary conditional use and then if someone wanted to contest that they could take it to court or the Mayor could veto it. Correct?

Mr. Pellegrini:

The question is whether or not it's legal or not. I don't know for sure but I don't think it would be.

Mr. Flaherty:

Well then, there's the option of someone taking it to court or the Mayor could rely on your researching it if it is illegal and veto it.

Mr. Pellegrini:

The problem with a temporary conditional use is — let me be a little more specific — even if we could, and I'm not sure, I wasn't asked this question before as to whether or not there was that type of animal that exists. But the problem with it is more of one of building and fire codes because even if a conditional use was granted, that's only zoning approval. The other problem with this particular occupancy from what I understand, is just as substantial as the building and fire code violations.

So, even if you granted a temporary conditional use, the only way that that could come into effect would be if they made the repairs that would be

necessary to get a certificate of occupancy. When you grant a conditional use, you're saying that they are allowed to go in under the zoning ordinance of the City of Pittsburgh. Then BBI has to certify that they come into the compliance with the terms set forth in the building and fire codes. If they don't come into compliance, no certificate of occupancy can be issued and therefore, they're not allowed to occupy the premises.

So, that's the other problem. So even if you granted the temporary conditional use and even if it were legal, then the occupancy would still be illegal.

Mr. Flaherty:

Or Council could approve this conditional use and then in a half a year we could come back and we could revoke this conditional use.

Mr. Pellegrini:

No.

Mr. Flaherty:

Why couldn't we?

Mr. Pellegrini:

You have no power to revoke a conditional use.

Mr. Flaherty:

Does the Planning Commission have the power?

Mr. Pellegrini:

No.

Mr. Flaherty:

What if these people were to abuse

the stipulations that gained them the conditional use?

Mr. Pellegrini:

I'm speaking just in general about conditional uses. There's other requirements in the ordinance concerning certification of group homes and group living facilities. But a conditional use, a certificate of occupancy is considered a property right and it runs with the land and it really doesn't run with the owner of the property. So, when you grant a conditional use or the Zoning Board grants a special exception of the variance and it's unappealed and it's final, it's good forever. Now, in group homes and group living facilities and I have to look at the ordinance as to what they apply, there's that certification that's required every six months before the Planning Commission. I'm not sure if some of this would fall in that or not. There's three different applications. Some of it I think would and some of it wouldn't.

Mr. Flaherty:

Would Councilman Woods have any problem in holding this for a week until our Solicitor is able to research these problems and give us a more specific answer?

Mr. Woods:

Yes, I do have problems because that means we have to recommit it and go through the Wednesday meeting again and come back here. I think this issue has been kicked around long enough by all parties concerned. We all had our time to ask questions, we had a public hearing, we had a Committee Meeting. Many times I miss Committee Meetings or I miss public hearings and I have to suffer for it. I will not ask that this bill be recommitted. Anybody else can do

that; that's your prerogative. But I do have a problem with recommitting this bill. I think the issue is now and we have to bite the bullet like we have many times. Remember that, Tom. We bite the bullet and we vote. I think that's what we're here for, to vote this issue up or down.

Mr. Flaherty:

Yes but I don't think we have explored all the avenues. Granted, there is questions of convenience that are being used here. Granted, it would be an inconvenience for Council to hold it for another week; it may take up 10 or 20 minutes of our time. It may be an inconvenience for Council to table this and then start the whole process over again next year. But I think we can be inconvenienced easier than the residents of ARC House can be. They are really under the gun. With us, it is a partial occupational inconvenience. With these people, it is more than an inconvenience. It is a drastic, impediment, a drastic impact on their very existence. So, I think we should look at what the balance is that we are talking about. I think there's serious questions as to if this Council can have a temporary conditional usage or if this Council can grant a conditional usage and sometime in the future revoke it. I think the Solicitor has even said he's speaking in very general terms and I think this is an issue that is worthy enough that we can hold it at least for a week until we are more equipped to debate the technical aspects of this issue.

Mr. Woods:

Mr. Chairman, if I may. If you feel so strongly, Tom, about recommitting it, I suggest that you make a motion to recommit.

Mr. Givens:

I'll make that motion because that's what I was trying to get to from the beginning. I wanted other people to express their desires but Tom, if you'd like to do it, I'll second the motion.

Mr. Flaherty:

I don't care who does it. I would just hope that it is enacted and I think that when we vote we should just take into consideration the impact that this vote will very possibly have on the residents of the ARC House.

Granted, there is neighborhood opposition. But I think Council, I think good public policy has to balance opposition and we have to decide what is more of a priority and who has more at risk in this issue.

So, I strongly urge my colleagues to give a reprieve of a week to the ARC House. I can't see how this is going to even inflame anymore than passions are inflamed as far as community opposition.

The Chair:

I just want to caution Council that if we get a request to recommit and it fails, we're going into the voting. So, if you have any more discussion, do it now before the recommittal motion.

Mr. Woods:

I understand Councilman Flaherty's position and I hope that he will understand mine. We have had a public hearing, we've had a Committee Meeting and everybody in this room, this entire room, knows this just didn't happen today, it just didn't happen last Wednesday; it has been going on since early August. Every time we have a hearing and then we come up for a final

vote, and if we get a lot of people coming here and saying I'm against it, all of a sudden after the preliminary vote in Committee on Wednesday, we're going to recommit and recommit on every controversial bill, we'll be here forever. This is not something that just came up today or even last Wednesday. This has been going on since August and all of us know that. And I respect all of my colleagues and their right to ask for a recommitment. But every time we're going to have a bill like this it's going to be the same thing. We had a public hearing, we had a Committee Meeting, everyone had their chance to say something, so we get a lot of people in this audience and we're all going to want to recommit. That is not proper; it's not the way it's supposed to be done. That is my opinion and I respect your opinions. But I hope that my colleagues vote down the recommitment and also vote down this legislation.

Mr. Flaherty:

Instead of putting the burden on the ARC House which has already been stigmatized, let's view this issue realistically. We are not giving the ARC House anything. We're going to give them 90 days to be stigmatized, 90 days further. What community is going to accept the ARC House after they have been stigmatized as they have been here in the City and in the future. I think something has to be done; I think there has to be a resolve to the situation. But I think the burden should be put upon the shoulders that can carry the burden. And this City can carry the burden. It can carry the burden a lot more easier than the residents of the ARC House can carry that burden. I think there's two very legitimate questions that can be resolved by the Solicitor in a week and they are questions of a temporary conditional usage and the question of can a conditional usage be granted and that

sometime in the future be revoked.

The Chair:

Mr. Flaherty, I'd have to say that you've made yourself rather clear and I think the Solicitor made himself rather clear.

Michelle Madoff:

No, he didn't. He wants to answer a question.

Mr. Givens:

Ben indicated there was a public hearing on this. I checked again with the Chief Clerk and there was no public hearing on these three bills that are before us today. There was no, repeat, no public hearing. Michelle has been saying that there probably was a post agenda where most of our important work is done on this Council and I have to agree with her. Ben, was this a post agenda possibly?

Mr. Woods:

No, Mr. Givens, I think that you got false information from Mr. Perry. There was a public hearing on the ARC House

Mr. Givens:

No, no. On these three bills before us.

Mr. Woods:

Let me finish. There was a public hearing on the ARC House. In fact, it came as a petition to Mr. DePasquale, our President, and then we included not only the ARC House but all group homes and it dealt with the persons itself. So don't say there was not a public hearing.

Mr. Givens:

Mr. Chief Clerk, I'll address my question to you. Was there, as in all bills that come before us, was there a public hearing on these three bills?

Mr. Perry:

On these three bills, no.

Mr. Givens:

Thank you.

Mr. Woods:

But was there a public hearing called for and did we not get a petition from the surrounding residents of the ARC House for a public hearing? Did we have that public hearing?

Mr. Perry:

Yes.

Mr. Woods:

Thank you.

Mr. Givens:

Hold it. There was not a public hearing.

Mr. Woods:

There was a public hearing.

Mr. Stone:

Mr. President, if I may. I think it would be wrong for this Council on the record to give an extension of time because it would get back to the point that was answered. Relative to Mr. Flaherty, can you give a temporary conditional use, in effect, if you say you can operate for 90 days, are you not in

effect saying that you're okay for 90 days and after that you're over? I think that's the thrust of Councilman Woods' comment, doing it administratively and slow enforcement rather than the other way.

I've listened to a lot of embellishment here and it's almost like somebody is evil in this room. I pretty much see this Council almost in the role of a police officer. The law says you can't steal, somebody goes out and steals, the cop grabs him and you say to the cop, "You're wrong". It seems to me that what we have here is an ordinance that this Council passed and it is the law of this City that you can't violate it and you can't function, even if your intent is good, unless you comply with the law. And in this particular instance, we have had every group home and asked them to comply. Those who complied, complied because they had to and knew they had to do it. A few have not complied. Worse, in the instance we have before us, we have an instance in which the community was up in arms about what happened and the individual charged says, "I'm going to run whether you like it or not." Then we have our City officials come in and try to get some enforcement and are told, "I'm going to run whether you like it or not." And City Council in Committee last week indicated that they were not going to permit it and the answer in the newspaper was, "I'm going to run whether you like it or not." You have an open defiance at this particular time.

It would appear to me that the one who reacts and does the enforcement is not the one who is the evil person but rather the one in violation of it and I think we ought to understand that. But I think we're also into another crucial issue. Are we prepared to say at this time because from it can come the kind of result I'm about to give. If any home

that is now handling and permitted group homes, permitted eight convicts, if they decide because its necessary so that no one is out in the street to make it 21, are we prepared to say we shouldn't throw them out right away? If someone has a drug and rehabilitation program and only eight occupants are permitted in that group home and they go to 35, are we prepared to say, "Well, we don't want you out in the street because you're doing what's right"? Are we permitted now to say that we want to change the whole program? Because if you're well-meaning, then in that case we'll give you time. What we're having here is now saying to everyone an invitation, go ahead violate and we'll give you time anytime you do it.

I think that is totally incorrect. The kind of idea that Mr. Woods has suggested here relative to this particular ordinance, they're in violation, they have been in violation. They have not been in violation since Wednesday; they've been in violation since they started and we ought to understand that. And to chastise this Council because they are only complying with the laws that they set forth with total advertisement to everything, ARC House cannot say they're not aware of what our ordinances are, particularly with the kind of defiance that's been there. I indicated to someone that what should be done with Mr. Cain is we ought to go to the local drugstore and buy a five inch piece of tape. Ordinarily you put it across someone's mouth but I think in his case you have to wrap it around ten times for fear it may get through that.

You can't constantly be defying everyone and expect that someone is going to give you the olive branch. There's no question we should take care of the people who are involved here. But under this kind of relationship where you have a defiance of the law which is going

to lead to every group home in this community getting an open invitation to violate, it seems to me it's incorrect.

I want to go back and say, at the expense of being repetitive, this City of Pittsburgh and this City Council has been most understanding and reasonable relative to group homes. We probably have the best group home philosophy and program of any City in the country. But it can only function properly if it operates within the grounds where we are not unreasonable affecting those people around it. I think it's time we understand that in that legal aspect as well as trying to change and make the person who causes the problem all of a sudden a saint and the one who enforces the law the devil.

The Chair:

Mr. Stone, I wasn't as broad as you but I share your sentiments and said that earlier.

Mr. Flaherty:

Mr. President, if the courts of this land, if the Legislature, the Congress, if everybody went by black letter law, there wouldn't have been any progression in this country since Columbus found it back in 1492. The law gives latitude and latitude is the law and is always flexible to social policy. It's flexible. It bends and it lives with the times. The law of 1980 is not the same law as 1880. Alcoholism in 1980 and 1983 is a disease. It's a disease. It's not a crime and it's not something that people do strictly consciously. It's a disease. It's just like if there were cancer victims over in those homes and we were going to put them out on the streets. Or if there were polio victims. It's a medical disease in 1983 and a social policy consideration that we have to take into effect. If this government is not giving

society the proper homes, the proper care, the proper condition for people who are diseased of no being of their own, then this society, this government, has to bend its laws a little. It can't have black letter law on one hand and on the other hand say, "We don't have anywhere to put you but if we go to hell we're going to stick by this law and you're going out on the streets." I think it's wrong. It's callously insensitive to equate diseased human beings who are suffering by alcoholism with people who break the law for personal gain.

The Chair:

There will be no more dialogue. We're ready for a recommittal.

Mr. Woods:

I want to say one thing.

The Chair:

This is it. This is the last comment on this.

Michelle Madoff:

No it isn't because you cut me off.

The Chair:

This is the last comment.

Michelle Madoff:

You cut me off in the middle of a sentence.

The Chair:

You talked 15 times.

Michelle Madoff:

I have not, Mr. DePasquale. Don't tell me no.

Mr. Woods:

Mr. Flaherty has very shrewdly turned this around that we're against alcoholics. We are not against alcoholics or anybody else, cancer victims. We are against the operation of this facility violating City law for a number of years and continuing to do that. That is the issue; not whether someone is an alcoholic, a cancer victim, a drug abuser or mentally retarded. Remember, that is the issue here that you're voting on, not what the disease is. It's the person who is running this facility and the group that's running it, not the people who are in it.

That was very, very shrewd and you got the big applause that you've been trying to get for the last hour and a half. Clap for him again.

The Chair:

I'll entertain a motion to recommit.

Mr. Givens moved to recommit Bill Nos. 4022, 4023 and 4025.

Mr. Flaherty seconded the motion.

Michelle Madoff:

Discussion on the recommittal. Mr. Dan Pellegrini, please. You tried to respond and you were not allowed to do so; there was something you wanted to say. May I ask the question? Will you know more in a week than you know now? Is it possible?

Mr. Pellegrini:

The question that was asked and the question I was asked to go to research was whether or not there was a revokable conditional use and whether or not Council can issue a temporary conditional use. My only knowledge of

ARC House in these bills prior to today other than reviewing the format was a request by BRI to institute an equity action because they were concerned about the building and fire code violations. As I stated to Councilman Flaherty, no matter which way I come down on both of those questions, you still have those building and fire code violations which we have to be concerned with whether it's someone granted a six month or a year temporary use. I think those present substantial problems.

Michelle Madoff:

Mr. Pellegrini, let me rephrase it. According to Mr. Woods, what he is saying is that he is not being heartless, he doesn't want to throw the people out but he wants to abide by the code. And he's saying that there's gentlemen's agreement that has been reached with BRI, the Building Code Inspection, Mr. Imhoff, and with the Administration, that they will allow them to stay for 90, 100, 120 days but that they know that they are under the gun and they've got to get out — they might even get out in 30 days if they find a place — and that you're not going to enforce, like we don't enforce most laws in this City anyway. Is that correct? Is that essentially what you're saying? We're going to pass the law to move them but you're not going to enforce the law?

Mr. Pellegrini:

What we would do is work with them for 90, 120, as long as —

Michelle Madoff:

But you would not push them out in the street?

Mr. Pellegrini:

If we arrive at an agreement —

Michelle Madoff:

Answer the question. Yes or no.

Mr. Pellegrini:

No, we will not push them out in the street immediately. As I stated previously, the policy of the City has always been if we find someone in violation and it's very difficult for them to correct the violation and there's hardship involved, we give sufficient amount of time to abate the violation. However, we want an end point. We don't want to say we'll come back to you in three years and tell you when we're going to move. We want a definite end point.

Michelle Madoff:

How do you arrive at that end point? If we pass the bill as Ben has introduced it today, will you sit down in a private agreement with Mr. Cain and say, "Mr. Cain, there's gentlemen's agreement between the City and you and we are putting you on notice that while we withhold the enforcement for 90 or 120 or 6 months or whatever, you know that at that time you've had sufficient time. Will there be a private conference?"

Mr. Pellegrini:

We would even do it more formally than that. What we would say is, for instance, if they wanted April 1 to vacate the premises, what we would do is say you can vacate the premises on April 1 but there are these violations, you know, put up smoke detectors, get materials away from doors to at least make it reasonably safe. We have two responsibilities. We have one responsibility under the zoning ordinance to make sure it's in compliance with the master plan. The other responsibility

that we have is the building and fire code

Michelle Madoff:

I understand. Have you spoken to Mr. Cain to see if they have any plans to immediately make it relatively safe? Have you spoken to him?

Mr. Pellegrini:

No, I have not.

Michelle Madoff:

Mr. Woods, have you done that?

Mr. Woods:

No, I have not.

The Chair:

Mr. Givens has already said that they can't do it within the period of 180 days.

Michelle Madoff:

Mr. Stone, do we have any money available in the 1984 budget that could help out this agency that obviously needs help and is doing some outstanding work? Even though you don't like Mr. Cain personally? I think the issue is beyond personalities. Is there any money available for non-specified local option?

The Chair:

Clerk call the roll on the recommittal.

Michelle Madoff:

Mr. DePasquale, you are being rude.

The Chair:

We're voting Michelle Madoff.

Michelle Madoff:

You are being rude.

The Chair:

You're out of order.

Michelle Madoff:

Try to be a gentleman. It's very difficult but try.

The Chair:

Call the roll. If they don't vote, they don't vote.

Mr. Flaherty:

I support this and I ask members of Council to support this too. We're dealing with a helpless community. I would hope that we give them one week a latitude and even if we are violating City laws, that is not the issue. There's higher principle involved. The law isn't the end-all on this issue. This Council has a responsibility. If it does not have writing in the warmth of a house to put these people in, then I think it is unconscionable to wrap oneself in the law with the strong possibility, with any possibility of these people ending out on the street who are in dire need of professional care. I vote aye.

Mr. Givens:

I vote aye on the bill and I'd like to indicate to my fellow Councilmembers that Mr. Cain, for 17 years, without any help from this City, without any help from this County, with not one dollar from this state, has been able to manage and help save the souls and bodies and

minds of many thousands of Pittsburghers and now we are here today, and if it wasn't for the Allegheny County Jail and some inmates being in certain group homes within the City of Pittsburgh, I would dare to say that this individual, if he wanted to stay in Pittsburgh, possibly could have gotten some money and some fundings. Not one dollar, not even, Mr. President, from the corporate community, did this one man by himself, receive one penny. All the monies that are used for this ARC House come from the individual recipients themselves. As as Tom Flaherty so eloquently testified here today, we have a human need out there and if one week is the callous of this Council, then I dare say that we need this one week and I ask if there's any way possible then, within one week, if we might be able to solve some technical difficulties or put it in some type of language that will give these people out here and I will dare say the ones that are most needed today cannot be here today. They are laying on the bed over there in the several some houses which happen to be within the North Side community. I ask that the North Side community, and as Michelle Madoff indicated, do we have money in this Council? Where are these people going to go? They are mostly 70 percent, 80 percent, Pittsburgh residents. That's why I vote one week or 90 days, whatever it might be.

Michelle Madoff:

I support Mr. Woods and his concept and Mr. Stone that we have to say no at some point. I think ARC House is on notice that they have to get out; I think they're well aware of that. I think it's unfortunate that with the good work they're doing they have not come to Council in previous years, first for financial aid, I think it would have been forthcoming. I think it would be callous on our part not to wait one week; it will

make no difference to make that decision. But, I would like to put a rider on that. Unfortunately some of us, for whatever reasons, the flu or moving or not being here, recovering from the election, were not here to hear some of the arguments presented at the hearing on ARC House. I would like a post agenda, a report from Mr. Dan Pellegrini, of what the Administration is going to do so that we know these people will not be thrown in the streets, but on the other hand, the citizens living in the North Side will know that group homes can run rough-shod over the community without the responsibility to the community. So, I'm voting for a one-week delay.

Mrs. Masloff:

I don't believe the situation is going to change in one week. I go with Mr. Woods, I think he has a logical solution to the problem. I think we can turn them down and give them 90 days, at the end of 90 days look at the situation again. I vote no.

Mr. O'Malley:

I certainly understand Mr. Flaherty's compassion and what he feels for these people, but I feel that one week would only give false hope. I think Mr. Woods has been very gracious in being willing to extend an additional 90 days. I vote no.

Mr. Robinson:

On Wednesday, I asked Council to hold the bills in question for a week to address some of the concerns that have been raised here today. It was rather evident at that point that there was no interest in holding the bills; and therefore I acceded to Mr. Woods' wishes, that we move forward.

Subsequent to that, I have had an opportunity to talk to representatives of ARC House and to Mr. Woods about this issue and was more than prepared to offer an amendment to provide 90 days to ARC House. I discussed that with Mr. Woods and we came to an agreement that, rather than amend the bill, he would suggest 90 days. I think his suggestion is reasonable. I'm sorry that Council at this point is not ready to act upon it. I don't want to belabor the point, but I just want to say that out of my sense of concern for the group home issue, not just those persons who have to use those facilities, but those who live in the neighborhoods where they are, and the people who operate them. I have attempted throughout this process over the last couple of years to try and keep my eye on the issue. I think Mr. Stone put it very aptly, what he said, this City has model legislation and is in the forefront.

However, I think that it is imperative that we do what we can to give everyone an opportunity to find a reasonable solution. One week is not going to cause any problem. I think within a week's time perhaps we all can calm down a little bit, and that we have to understand that extraordinary times require ordinary people to do extraordinary things, and hopefully within a week we can do some extraordinary things. I vote aye for recommittal.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Michelle Madoff
Mr. Givens	Mr. Robinson

AYES 4	NOES 5
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VOTING NO:

Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. Depasquale
Mr. Stone	(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

The question called for on the bills. I want to caution Council one more time. To vote a positive recommendation, you vote aye, and to oppose you vote no. Aye for the bill, no against.

Mr. Flaherty:

I have another amendment on this, but I need some clarification first. It's my understanding that this Council has no binding guarantee that the ARC Homes will not be closed tomorrow. We don't have anything written. We do not have anything legal. We do not have anything legal that would keep the City from closing the ARC House within 90 days, going out, closing it tomorrow, or closing it in 30 days. We don't have anything written or legal there.

I think this is an issue that Council has created. I think we're all part of the—

The Chair:

Tom, if I may, you've said all that. Now, if you have an amendment, let's get the amendment, please. You're

going to stir this thing all up again.

Mr. Woods:

Mr. President, can I interject one thing? Tom, can I please? By all rights, the City legally can shut ARC House down today. They could have done it six months ago; they could have done it a year ago and five years ago. So, if they didn't do it at that time, what makes you think these three pieces of legislation are going to make them do it tomorrow if they haven't done it in over five years since they've been fighting this thing? Why do you think they'd do it in 30 days, or 60, or whatever? Now, they have no right to be open as it is, and yet they're there. They could have done it six months ago, whenever they wanted to do it. Now, come on, let's be a little realistic. They have been compassionate. The City has been working with them.

Mr. Flaherty:

I don't agree. I don't think the City has been compassionate at all in this matter, and they're coming down on helpless people. Just like this Council voted to exempt Shadyside and Squirrel Hill where the powerful and the wealthy of this City live. You exempt them from boarding homes, but you dump on helpless people.

The Chair:

Tom, let's have the amendment, please?

Mr. Flaherty:

I'm offering an amendment, and it is going to stipulate that within 180 days, which would be a half year's time, 180 days, that ARC House will have to vacate the premises as long as the City has a working alternative plan to place

the residents.

Mr. Givens:

On the amendment, I'll second for discussion, but I would like to add in, Tom, as long as a concerted effort is being made by the ARC House to improve the conditions as required by the three bills that are before us.

The Chair:

Roll call vote on the amendment.

Mr. Flaherty:

The amendment stipulates that the premises must be vacated by ARC House after 180 days on the condition that the City of Pittsburgh has immediately provided an alternative care facility.

Mr. Givens:

And I second that, and make this additional amendment. As long as—

Mr. Flaherty:

I will incorporate your amendment.

Mr. Givens:

Okay, as long as a concerted effort is being made by ARC House to come into compliance.

Mr. Woods:

Mr. President, I would ask my colleagues once again to vote that amendment down. We have many times in this Council discussed about the overburden on the City with group homes and other facilities.

The Chair:

Mr. Woods, I think the amendment

was rather clear. You're explaining the amendment again and why we should vote against it. That is the prerogative of Council.

Mr. Woods:

I know.

The Chair:

Why don't we get on with the voting.

Mr. Woods:

I think that my colleagues have a right, or I would hope that they would like to listen to me for something that I have to say concerning not only ARC House, but group homes. Everybody here knows that we're overburdened with them. If we make this stipulation for the ARC House, are we then going to say that, all the other group facilities in the City, if we cannot make it work for them, that we will provide for them if the county doesn't pick them all up? They don't pick up their share. I think everybody here had better remember that when they vote for this one.

The Chair:

Does everybody have the amendment clear in their minds? Roll call vote on the amendment.

Mr. Flaherty:

I support this because if this Council is serious and just not paying lip service to end 90 days taking care of the residents of ARC House, which I think it is. It's lip service. It's just going to lessen the blow of throwing these people out in the street in the cold of winter come February or March. That's when 90 days are. If this Council's serious, they'll commit themselves. They will bite the

bullet right now on this vote and commit themselves. Put the burden on themselves, not on the residents of ARC House.

Granted, as Councilman Woods says, there is an overburden of group facility homes in this City, and I agree with that, but I think this City has to continue to be overburdened if it's going to insist on throwing people out in the street. I would rather be overburdened. As far as getting the County to get on this issue, then Councilman Woods, this City Council, Mayor Caliguiri, it's time we go to Commissioner Foerster and the new County Commissioners, and it's time that ARC House starts lobbying, and it's time that the citizens of the City of Pittsburgh start lobbying the County to take their fair share. Put it on the County, put it on the City; don't put it on the unfortunates of this City.

Mr. Givens:

I vote aye, and I would like to emphasize that when you think, Ben, of many of the non-profit homes and group homes that we have in the City of Pittsburgh, many of them have boards. Those boards consist of many dignitaries and the influential people of the City. I submit to you and to this Council that the ARC House has one board member and that's Mr. Chuck Cain himself and what we have to do, as Tom was trying to explain, get up to the 1983 laws, which we are now underway within this Council and update his particular board of directors and get people on there that can get financing and get the help that is needed in order to help these people that he's been helping for the last 17 years. That's the reason, I vote aye for this.

Michelle Madoff:

I just conferred with Mr. Pellegrini. He tells me there will be a contractual or a letter, and that we are

now a matter of record, I have talked to Mr. Pellegrini, it is now a matter of record, because it will be part of this transcript, which is Monday, which is printed, and he has stated three times that we will not enforce the law, we will not push these people out like we have not with other group homes. They will be on notice that they have to go, and I personally will support Mr. Woods, and I presume Mr. Woods will be back here in 90 days, saying, where is ARC House; are they on the way out? Are they on their way out? What is the progress status? Will we have a progress status of what is happening?

Mr. Woods:

Yes.

Michelle Madoff:

And furthermore, Mr. Stone at the budget hearings, Mr. Stone--

The Chair:

If we may, Michelle, why don't you vote?

Michelle Madoff:

One moment please.

The Chair:

You've made yourself clear.

Michelle Madoff:

Mr. Stone, Mr. Pellegrini, please. Mr. Stone, during budget hearings do you think we could see our way clear as humanitarians to try to find some money for this very worthy cause? To help solve the immediate problems of fire, smoke alarms, because if we don't we may have that on our conscience. Could you answer that?

Mr. Stone:

If that's the will of Council.

Michelle Madoff:

Pardon me.

The Chair:

He's going to try to find the money.

Michelle Madoff:

You're going to try to find some funds to temporarily solve the problems.

Mr. Stone:

If that's the will of Council.

The Chair:

Come on, Michelle, vote.

Michelle Madoff:

I am voting against the amendment.

Mrs. Masloff:

No, I go with Mr. Stone's original recommendation that we give them 90 days and then take another look at it in 90 days.

Mr. Robinson:

I don't think that we should in any way suggest that Mr. Pellegrini or anyone else in the City not enforce the law. I'm going to vote against the amendment, but I don't think anyone should get the impression that I'm encouraging Mr. Pellegrini, Building Inspection, or anyone else not to proceed. It's my understanding that the matter is now being litigated in the court, and the court in part will determine what the City does. If Mr.

Pellegrini feels that he and Mr. Imhoff should move and close the ARC Houses tomorrow, then do that. I vote no on the amendment.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Givens

AYES 2 NOES 7

VOTING NO:

Michelle Madoff Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Roll call vote on the bills themselves.

Mr. Givens:

Point of order.

The Chair:

Mr. Givens, we're beyond discussion.

Mr. Givens:

Mr. President, a point of order was

brought up here.

The Chair:

What's the point—

Mr. Givens:

In fact, is this particular subject, the bills, the three bills that we have before us in the courts of the City of Pittsburgh or the Commonwealth?

Mr. Robinson:

The issue is.

The Chair:

The issue, not the bills; the issue.

Mr. Robinson:

The issue of ARC House.

The Chair:

The issue covering them.

Mr. Robinson:

Yes.

Mr. Givens:

Well, that's what I'm asking. Are we in the courts today?

The Chair:

Not on these three bills, okay?

Mr. Givens:

Has the attorney for ARC House—have you made petition to the courts?

The Chair:

Look, Mr. Givens, that's just an

opinion of Mr. Robinson. It has no bearing on our vote here. There's no bearing whatsoever.

Mr. Givens:

If it's within the courts, Danny, can we even vote on this issue?

Mr. Pellegrini:

No, they're not in the court.

Mr. Givens:

They're not in court. Thank you.

Mr. Flaherty:

Point of information. Is an affirmative vote for the negative recommendation?

The Chair:

An affirmative vote is for the bill. A no vote is opposed to the bill. We had a preliminary negative vote. To vote for the bill, you vote aye. To vote against the bill, you vote no.

Michelle Madoff:

Aye closes it; is that correct?

The Chair:

Pardon me?

Michelle Madoff:

Aye closes it with a gentlemen's agreement.

Mr. Woods:

No, if you vote no on the bill, it means the bill dies.

The Chair:

Five ayes, it passes. Five noes, it fails. Roll call vote.

Mr. Flaherty:

I am supporting the three bills and the reason--

The Chair:

Mr. Flaherty, I've been corrected. The first two bills require seven votes to pass. The third bill, five will pass.

Michelle Madoff:

Are we going to take them separately?

The Chair:

I guess we better take them separately.

Mr. Woods:

You mean we're going to discuss each bill again.

Michelle Madoff:

You have to, because it's seven on one and five on the other to pass.

Mr. Givens:

Yes, each bill has to be voted on separately, Mr. President.

The Chair:

No, they really don't.

Mr. Givens:

Yes, they do. You have five votes on one and seven on the others.

Mr. Perry:

You can take them in a package.

Mr. Givens:

For point of order to Council, where the Planning Commission has indicated in their decree that has been denied by the Planning Commission, it requires seven votes, and on Bill 4025, five votes are required for passage or failure.

The Chair:

Clerk, call the roll.

Mr. Flaherty:

I am supporting the three bills 4022, 4023, 4025, and I know that it is a futile vote, but it's important to keep in mind I think for the public record, what we are voting on. We are not voting on Councilman Woods' stipulation as far as the 90 days, because this bill is not amended. This bill is simply either granting the conditional usage or denying the conditional usage. So a vote against this—there's no language in here about a 90-day extension. You're relying on the good will of people for that 90-day extension, and so, I'm voting for the proposal even though I'm completely aware and willing to take the brunt of North Side opposition on this issue or anyone else opposed. I think there's a higher principle involved; and I think it's wrong to play with the people this way as if they're a ping-pong ball going 90 days, going 180 days. Until this City can provide adequate care, I think this City has a paramount obligation to take care of people that are stricken by alcoholism.

The Chair:

Are you voting aye on three bills,

Mr. Flaherty?

Mr. Flaherty:

I'm voting aye.

Mr. Givens:

I'm voting aye on three bills and for the same reason and not to be repetitious, but I feel that ARC House needs the type of guidance that this Council and this Administration and the people of the North Side and as well as the community at large can, and the expertise that they need in order to bring them up to compliance. It's too bad that we couldn't have had that 180 days ago. I think all of our problems would have been solved, and I would have to forecast that within 180 days, I think our problems will be solved over there one way or the other, but for the three bills, I vote aye.

Michelle Madoff:

Because I'm accepting Dan Pellegrini's word, and because it's a matter of record that they will not be evicted, that there will be a gentlemen's agreement agreed with the Building Inspection and with the Administration, I will give them a chance to act in good faith. There will be reports, Mr. Perry, I want one every month, the next three reports given to this Council as to the progress being made through Mr. Woods. Is that all right with you, Mr. Woods?

Mr. Woods:

It's fine.

Michelle Madoff:

I will vote no, because I think we have to support the communities as well as ARC House, but I will also work with

ARC House people. Mr. Cain, if a number of your people would like to work with me about raising some money, Mr. Stone has said he will look for some money. Let's not have it just verbiage. Let's see if we can get it.

Mr. Robinson:

I'm going to vote no on 4022 and 4023, I'm voting yes on 4025.

The Chair:

No on all three bills.

Bill No. 4022

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(10) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for an Institutional Facility for adult male recovering alcoholics located at 800, 814, 816 & 818 EAST OHIO STREET, 23rd Ward (DENIED BY THE PLANNING COMMISSION)."

Also,

Bill No. 4023

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 420-22 TRIPOLI STREET, 23rd Ward (DENIED BY THE PLANNING COMMISSION)."

The Chair:

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Givens

AYES 2 NOES 7

VOTING NO:

Michelle Madoff Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
Mr. Robinson (Pres't)

And a majority of the votes of Council not being in the affirmative, the bills were defeated.

Also,

Bill No. 4025

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(44) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Alcoholic Recovery Center for a Group Care Facility for adult male recovering alcoholics located at 1216 MIDDLE STREET, 23rd Ward."

The Chair:

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens

AYES 3 NOES 6

VOTING NO:

Michelle Madoff Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
 (Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation

Bill No. 4024

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A(43) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, for use of 8524 BRICELYN STREET by Alternative Program Associates, Inc., as a Group Residence Facility for twelve adolescents with adult supervision, 13th Ward."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Stone
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 4115

Report of the Committee on Water for November 16, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3986

A Resolution entitled, "Resolution providing for a contract or contracts for a 12" x 6" Water Line Relay in Friendship Avenue, between Baum Boulevard and Penn Avenue and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Michelle Madoff Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. Chairman, if I might. I have three matters I'd like to discuss with Council.

The first matter, I think, is of grave importance. That is the condition of the Lemington Center. Council is probably aware that that particular facility is having some financial difficulty at this point, to the tune of \$300,000 which they need immediately to address their financial situation. I am requesting that our Finance Chairman, Mr. Stone, review our financial status here in the City to see if there is \$300,000 that we could make available to the Lemington Center on some sort of temporary basis. Also, the City of Pittsburgh has invested in Lemington Center approximately \$3 million, \$500,000 that this Council made available through a Community Development Block Grant allocation and \$2.5 million which we made available through an Urban Development Action Grant. I think that it is incumbent upon us to protect our investment. That's one of the reasons I've asked the Finance Chairman to please see if there's \$300,000 that we might have available.

Mr. Stone:

I already called the Mayor's Office this morning on that very issue to see what we might do. We're going to have some problems in a way but we still have to try to address it. You are correct, we have a major investment in that building and it doesn't help anybody to close it down. But one of the problems is that you can go for capital improvement, you can't go for operating expense. That's a difficult one. But I was already on that at 9:00 this morning.

Mr. Robinson:

I appreciate that.

I'd like to have a meeting, a post agenda, I've already asked the City Clerk to set it up for next Wednesday, where we can have representatives of the Lemington Center, the Mayor's Office, Council, URA and particularly the UDAG people who have responsibility for watching our \$3 million. I have some serious concerns as to whether or not our interests were protected and what rights we not have in the face of a possible default and new ownership. That's one issue and would the City Clerk be expeditious in setting it up. We would probably also need Mr. Pellegrini to give us some perspective on our legal obligations and rights in this regard.

I'd just like to say that the Lemington Center is the kind of project that we ought to work very carefully to preserve for a number of reasons and I'm sure that everyone here is sensitive to some of the issues surrounding that.

The second issue relates to the report that we got from the Supplies Department which was completed by Exico, Inc., the consultants who were attempting to work with Supplies and the Controller's Office on helping us to implement our minority business enterprise program. We have received phase one of the report; I think it was very well done and the recommendations, hopefully, will be implemented in a timely fashion. I think that this first phase will help us not only implement all the areas of minority business development but also Ordinance No. 28 and the Mayor's Executive Order No. 1 which deals specifically with minorities and women in terms of business opportunities in the City. Some of our authorities, Parking, Housing, URA, might find this document helpful.

I would like the City Clerk to contact Mr. Jacoby to find out when we will receive the reports on phase two and three. Hopefully those will be to us in a very timely fashion.

The last concern I have relates to the Convention Center Hotel and Office Complex. As Council is aware, legislation was introduced today to get that project moving. I'd like to have at the time we consider this bill in Committee, which I believe will be next Wednesday, a representative from the developers. I would like to have Mr. Ratner who was represented to us, this Council, as the person who is responsible to make this project go.

Mr. Stone:

Mr. Robinson, I would join in that. If you're not asking for him then I'd like to have him here. The only time that program moves is when the President is here.

Mr. Robinson:

Right. Mr. Ratner from Fourth City Development, representatives from URA and Planning. I'd like to have Mr. Brophy and Mr. Lurcott. Also, Mrs. Fitzgibbons who is head of our UDAG program at URA, and whoever is going to be coordinating the minority business and women's business enterprise aspect of this UDAG. They need to be here so that we can get some perspective as to what this plan is going to be, how they're going to implement it, and who is going to be responsible. We have had some problems in the past with administration of our UDAG, example being the Lemington Home situation. I want to make sure on this Convention Center Hotel and Office Complex that we have as much input as we need to have as a Council to make sure that this thing goes on schedule.

Thank you.

Mr. Robinson moved to approve the minutes of Monday, November 7, 1983.

Mrs. Masloff seconded the motion. Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, November 28, 1983

No. 46

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, November 28, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. Robinson

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presents

Bill No. 4144 WHEREAS, a prayer week for the missing in action, killed in action, and disabled will be sponsored the week of November 28, 1983 through December 4, 1983 by the ex-prisoners of war Pittsburgh Chapter, the Steel Valley Air Force Association Chapter 225, the Steel Valley Disabled American Veterans Chapter 27, and the Polish War Veterans Post 41; and

WHEREAS, a Nationwide candlelight ceremony is planned for Sunday, December 4, 1983, by the League of Families for Missing in Action; and

WHEREAS, these men and women are among the many deserving of our special awareness and concern; and

WHEREAS, a prayer week is one way to express our collective appreciation for their service and sacrifice.

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Members of the Council of the City of Pittsburgh, on behalf of the citizens of Pittsburgh, hereby designate the week of November 28, 1983 through December 4, 1983 as "Prayer Week", in the City of Pittsburgh for the missing in action, killed in action, and disabled.

Mr. Givens moved to adopt the resolution.

Mr. O'Malley seconded the motion.

Which motion prevailed.

The Chair:

Thank you, Mr. Givens. It's a very worthy cause.

The Chair presents

Bill No. 4145 WHEREAS, for over a century an institution known as The Lemington Home for the Aged (known now as The Lemington Center) has ardently provided care and service to the ill and elderly members of our society; and

WHEREAS, due to financial difficulties, the home is on the verge of closing, and plans to begin moving out its patients; and

WHEREAS, center directors expressed hope that local and federal governments will take measures to make funds available to the home to help prevent its closing.

NOW, THEREFORE,

BE IT RESOLVED, that the Members of Pittsburgh City Council hereby urge the Administration of the City of Pittsburgh, along with the County of Allegheny, to appropriate funds to assist the financially troubled Lemington Center, and thus help assure continued operation of this worthwhile institution.

Mr. Stone moved to adopt the resolution.

Mrs. Masloff seconded the motion.

Which motion prevailed.

The Chair:

If I may, ladies and gentlemen, I know that the Lemington Home and the

fear of the closing is very close to all of our hearts but myself especially. I remember trampling those woods with the people from the old Lemington Home who envisioned a new home which came about six or seven years later after many difficulties. And now to read or hear that the home is about to close because of lack of funds so soon after opening is so tragic that obviously something has to be done. Short of securing these funds illegally, I think that there must be some funds available someplace in the City of Pittsburgh to help these people. I read over the weekend that the County has already done something or will be doing something along with the State of Pennsylvania and I don't think the City should stand by and let them take all the burden. There must be some way, somehow that we can help these people and if the way can be found, I think we should do it.

Mr. Stone:

Mr. President, if I may, I'd like to make a couple comments. There's already been some meetings. I know I spoke to the Mayor the first day that this thing came out and it was generally the understanding that we'd look into it to see what we might do. But it should be point out at the outset that everyone was aware that they could not raise the kind of funds in that particular area to do what was necessary and that's why we gave it the kind of extra monies that were necessary.

We do have an investment there which we must protect and I'd just like to clear the record so far unless anyone has information contrary to what I have. It's my understanding that there is no accusation at this time of anyone absconding funds or doing anything contrary to law or contrary to specifications as required.

Secondly, there was a comment in the newspaper and it may be misinterpreted and it ought to be corrected for the record. That was that they had pretty much one staff member for every patient. It should be brought out that in order to qualify for state certification, they need that minimum of staff people and that's why the staff is that way. They lose their certification if they don't have those essential people who are there. It is true they did not get the volume that they had hoped to get. It is likewise true that there are some people there who could not pay. They had to go somewhere and in their efforts to do good work, financially it's causing the problem. One additional thing, they had to use some funds in the additional construction that was essential. But, nevertheless, so far it's just a matter of a project that needs a little assistance and I think at this point the City, in line with your resolution, is taking steps to do something along those lines.

The Chair:

Also, Mr. Stone, along with other homes for the aged, they lost out on a lot of Medicaid and obviously, just about every home in the area or in the state is going to be in trouble but especially the Lemington Home which was hanging by a shoestring anyway.

I don't know what can be done about those funds but at the same time, perhaps the City and County and the State can alleviate the financial problem and maybe even reimburse them for some of the Medicaid funds they lost.

PRESENTATIONS

Mr. Flaherty presented

No. 4116 Resolution providing for the issuance of a warrant in favor of

ACCU-TEMP INC., in the amount of \$1,620.00; and D.M.K., INC. in the amount of \$1,600.00 totalling in the aggregate \$3,220.00 in payment for emergency work performed at various City properties, payable from R.C.O.P. - Rents City Owned Property Trust Fund, Department of Lands and Buildings.

Which was read and referred to the Committee on Finance.

Also,

No. 4117 Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh to lease to the American Wind Symphony 350 lineal feet of wharf frontage for a term of twenty five years subject to a 90 day cancellation clause with year to year renewal provisions at a rental of \$1.00 per year and providing for certain terms and conditions.

Also,

No. 4118 Resolution authorizing the sale of property in the 4th Ward of the City of Pittsburgh, located on S. Dithridge Street, designated as Block 27-S, Lot 50 to the Greek Community of Allegheny County, A/K/A St. Nicholas Greek Orthodox Cathedral, for the sum of \$1.00.

Also,

No. 4119 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein.

Also,

No. 4120 Resolution authorizing the transfer of property in the 21st Ward of the City of Pittsburgh, designated as Block 22 G, Lot 132, to the Urban Redevelopment Authority for the sum of \$1.00.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 4121 Resolution granting unto Brian C. Mullins, 5421 Kipling Road, his successors and assigns, the privilege and license to construct, maintain and use, at his own cost and expense, a conduit system for telephone, cable and electricity in a portion of the sidewalk of Kipling Road, in the 14th Ward of the City of Pittsburgh.

Also,

No. 4122 Resolution providing for the taking of property in the 5th Ward of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corp. for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto.

Also,

No. 4123 Resolution providing for the taking of property in the 6th and 8th Wards, City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corp. for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto.

Also,

No. 4124 Resolution providing for the taking of property in the 5th Ward of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corp. for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto.

Also,

No. 4125 Resolution providing for the taking of property in the 5th, 6th, and 7th Wards of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser, Corp. for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto.

Which were severally read and referred to the Committee on Public Works.

Mr. Givens moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Malley seconded the motion.

Which motion prevailed.

Also,

No. 4126 Resolution providing for the issuance of a warrant in favor of Ram Construction Company, Inc. in the amount of \$145,000.00 in payment for Extra Work, being in addition to the original contract price of \$361,955.00 on Controller's Contract No. 26154, furnished for the benefit of the City in connection with the Removal of the

Rock Slide from Saw Mill Run Boulevard without previous authority of law; and providing for the payment thereof. Funds are available in Code Account PW 82-28, 4-01-30-0900-82, Saw Mill Run Boulevard Rock Slide. Prior approval by Council Bill No. 3938, dated November 16, 1983.

Which was read and referred to the Committee on Finance.

Also,

No. 4127 Communication from Louis R. Gaetano, Director, Department of Public Works, requesting authorization for John Barbati to attend the Asphalt Reclaim Seminar in East Hartford, Connecticut, on November 17, 1983, at a cost not to exceed \$380.00, payable from Code Account No. 1502, Misc. Services, Director's Office, Department of Public Works.

Which was read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 4128 Resolution providing for the issuance of a warrant in favor of Electric Manufacturing and Repair Company, P.O. Box 326-2025, Milford Drive, Bethel Park, PA 15102, in the amount of \$343.45, chargeable to and payable from Code Account No. 1705, Repairs, for repair of a power pack. Prior approval by Council Bill No. 3850, dated October 26, 1983.

Also,

No. 4129 Resolution providing for the issuance of a warrant in favor of Lewis and Coulter, Inc., 1225 Washington Boulevard, Pittsburgh, PA 15206, in the amount of \$391.77, chargeable to and payable from Code Account No. 1705, Repairs, Department of Water, for repair

of four pumps and one saw. Prior approval by Council Bill No. 3887, dated November 2, 1983.

Which were read and referred to the Committee on Finance.

Also,

No. 4130 Resolution providing for a contract or contracts for the Purchase of an Air Compressor at a cost not to exceed \$10,000.00, chargeable to and payable from Capital Budget Account No. WD-82-11 (4-05-25-0500-82), Department of Water.

Which was read and referred to the Committee on Water.

Mrs. Masloff presented

No. 4131 Resolution providing for a Lease or Leases and/or License Agreements for the use of certain property for Senior Citizen Facilities in an amount not to exceed \$82,000.00, payable from Senior Citizen Program Trust Fund (SCPTF).

Also,

No. 4132 Resolution providing for an agreement or agreements with various independent contractors and/or consultants to provide instruction and/or services in connection with the Pre-School, Community Education, Leisure Activities for the Handicapped, and other Recreational Programs, as needed, in the Department of Parks and Recreation, and providing for the payment of the costs not to exceed \$18,000.00, payable from the Special Parks Program Trust Fund.

Also,

No. 4133 Resolution authorizing the Mayor and the Director of Parks and

Recreation, on behalf of the City of Pittsburgh, to transfer its rights, title and interest, if any, to certain property in the 19th Ward of the City of Pittsburgh to the Housing Authority of the City of Pittsburgh. Deeds to be in Quit Claim form.

Which were severally read and referred to the Committee on Parks and Recreation.

Mr. Stone presented

No. 4134 Resolution designating banks and lending institutions to act as depositories for the year 1984 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories.

Also,

No. 4135 Communication from Ronald C. Schmeiser, Director, Department of Finance, requesting authorization for himself to attend a meeting on accounting, auditing and financial reporting in Washington, D.C. on December 6-7, 1983, at a cost not to exceed \$325.00, payable from Code Account No. 1063, Misc. Services, Department of Finance. Permission is also requested for use of City vehicle.

Also,

No. 4136 Communication from Melanie J. Smith, Director, Department of Personnel, requesting authorization for Linda Hardy to attend an Equal Employment Opportunity Seminar at the Hyatt Pittsburgh, on December 7 and 8, 1983 at a cost not to exceed \$20.00, payable from Code Account 1100, Misc. Services.

Also,

No. 4137 Communication from

John E. McGrady, City Controller, City of Pittsburgh, submitting an estimate of the probable Revenues the City of Pittsburgh may anticipate for the General Fund and also for the Water Fund for the year 1984, the Estimated Revenues for the year 1983, the Revenues Received for the year 1983, and a comparison of the 1984 Estimated Revenues with the 1983 Revenues Received.

Also,

No. 4138 Communication from Ronald C. Schmeiser, Director, Department of Finance, submitting a report of deposits and market value of collateral security pledged by City Depositories to secure same as of October 31, 1983.

Which were severally read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4139

Report of the Committee on Finance for November 22, 1983 transmitting sundry resolutions and two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4009

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Dick Corporation/Contractors in the amount of Nine Thousand Seven Hundred Seventy (\$9,770.00) Dollars in payment for an Emergency Contract

furnished for the benefit of the City in connection with the repairs of a pin connection on the Fort Pitt Boulevard - Eastbound; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 4010

A Resolution entitled, "Resolution transferring One Thousand Two Hundred Fifty (\$1,250.00) Dollars from Code Account 1544-1, Chartiers Flood Protection Project to Special Trust Fund C.F.P.P. Chartiers Flood Protection Project/Operation and Maintenance, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4013

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$1,650.00 in payment for Demurrage Charges incurred for delivery of Liquid Chlorine furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4014

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh Crane & Hoist Company, Inc., 4200 Ohio River Boulevard, Pittsburgh, PA 15202, in the amount of \$737.15, in payment for repair of an Overhead Crane furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4015

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Carnegie Library of Pittsburgh in the amount of \$774.07 for reimbursement of utility costs for the Sheraden Senior Citizens Center furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 4016

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Cheyenne Mountain Zoological Park in the amount of \$150.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4017

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Fortune Glen Aviaries in the amount of \$325.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4018

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Steve Neverburg International Bird Importers in the amount of \$750.00 in payment for the purchase of birds for display at the Pittsburgh Aviary, furnished for the benefit of the City, without previous authority of law; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4027

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, by changing the rate of interest on certain delinquent earned income and Home Rule Taxes."

Which was read.

Also,

Bill No. 4028

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245.03(h) by correcting a section number."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 4029

A Resolution entitled, "Resolution providing for the issuance of a warrant to Duquesne Light Company, c/o David H. Cashman, Esquire, 1212 Manor Building, Pgh., PA 15219 in the amount of \$4,500.00 in full settlement of a claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 4030

A Resolution entitled, "Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of three thousand eight hundred sixty-seven dollars and eighty-nine cents (\$3,867.89) to the Commonwealth of Pennsylvania representing the final payment required for unclaimed funds for the year 1975 pursuant to the provisions of the Deposition of Abandoned and Unclaimed Property Act, Act of August 9, 1971, P.L. 74."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4031

A Resolution entitled, "Resolution transferring Fifty Thousand Dollars (\$50,000.00) from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Department of Finance to Code Account No. 51, Departmental Postage, Department of Finance."

Which was read.

Also,

Bill No. 4021

A Resolution entitled, "Resolution transferring the sum of \$1,500.00 from Code Account 1104 Supplies, Department of City Planning, to Code Account No. 1103, Miscellaneous Services." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 4140

Report of the Committee on Public Works for November 22, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4011

A Resolution entitled, "Resolution vacating Kimberly (Kimberlin) Way from Wilson Avenue to a point 160 feet northeasterly therefrom in the 26th Ward of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Woods presented

Bill No. 4141

Report of the Committee on Supplies for November 22, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4083

A Resolution entitled, "Resolution providing for a Contract or Contracts for the furnishing, delivery and installation of furniture in the Department of Law and providing for the payment of the cost thereof."

Which was read.

Michelle Madoff:

I vote no because they should be buying used equipment.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Stone
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 7 NOES 1

(MICHELLE MADOFF VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 4142

Report of the Committee on Water for November 22, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4061

A Resolution entitled, "Resolution providing for the a Contract or Constrcuts for the Replacement of Water Lines in Various Locations; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 4143

Report of the Committee on Parks and Recreation for November 22, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4019

A Resolution entitled, "Resolution further amending Resolution No. 504, effective May 29, 1981 as amended by Resolution No. 975, effective October 31, 1981 entitled, 'Providing for the letting of a Contract or Contracts for the construction of the restroom building at Quarry Field; and providing for the payment of the cost thereof' by decreasing the amount provided from \$70,176.00 to \$67,341.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I don't know whether Mr. Perry or Linda Johnson has informed you as yet, but I am personally making a request for a public hearing on the Mayor's proposal for a Water Authority and the League of Women Voters are gathering signatures; they are opposed to the same. I am not opposed, I am not for it; I am in the same position that the Advisory Board to the Cable Commission the City was, they said they did not have a fiscal advisor.

There are too many unknowns and too many variables. I am not an expert in bonding although I probably know more about it than anybody here because I've been studying it more than anybody else. I don't know whether going the bond route is the right way, I don't know whether we're including a sewer or not. I think that ought to be done very rapidly and we should not have a Water or Sewer Authority until we have the input of everybody possible with some expertise.

The Chair:

Michelle, I think we have such a busy financial schedule and budget schedule that I don't think you can get it in this year.

Michelle Madoff:

Then we're going to have to hold off on the Water Authority until after the year and we're going to have to have a public hearing because the League would like to put it on a referendum on the ballot. And since it's a nonbinding referendum, I still don't care if it goes on but we're not rushing into that until the lines have been --

The Chair:

It's right that you don't rush into it and if it's so important then do it after the first of the year.

Michelle Madoff:

Well, the lines have been deteriorating for 100 years and we've been keeping them together with spit and paste and I think before we decide on the direction we go so that it is not more costly to the taxpayers who are fleeing the City because they can't afford it to stay with the tax rates. I think we need to look at that very carefully because saying there will not be a tax increase is a misnomer because there will be an increase in water lines, in any event, whether we just raise rates or whether we go out on a bond issue.

So, I want to be sure that everybody knows that there is a request by the League and by Michelle Madoff to have a public hearing on that issue. I also want to know whether there will be sewers included.

On another matter which is indirectly related, as you know, the Mayor has created the Department, correct me if I'm wrong, of Engineering and Construction. After reviewing the budget and talking to some informed sources, it appears that many of the people in that budget, the salaries were put under the Capital Budget. The budget was to be printed and two days before the printing of the budget the Administration made the changes so that none of us had any input or would even have been aware of it. It takes a long time to review a budget; because of personal problems I still have not had a chance to review the entire budget.

It is illegal. We would all be subject, in my estimation and lawyers

I've consulted, to being sued if we were to vote to put salaries for routine repairs of water or sewer lines that fall under operating budget under the Capital Budget. The way this is designed presently, they are under the Capital Budget. I've just learned that there is a memo circulating to Department Heads. I think one Department Head, I don't know exactly who it is but I have an inkling though, said that he would not do that because it just can't be done legally and it is still up to the Administration to make those changes and take those people who are presently in the jobs working on routine work paid out of operating costs back in the operating budget.

I think this Council needs to be briefed and budget hearings, I can't think of a more appropriate time, and it should be at the first opportunity that we can meet with the Administration.

Mr. Albert or Mr. Buckley, are you familiar with any of the people assigned to your department under Capital Budget? Mr. Buckley, do you have any of those people assigned? Any of the names? Do Mr. Buckley and Mr. Albert know of any of the names and the jobs assigned under the Capital Budget?

Mr. Buckley:

We can attribute names to jobs.

Michelle Madoff:

You can attribute names to jobs? Alright. I think we need to have a clarification from the Administration because this Council votes on that and the liability will be ours and I do not plan to go to jail.

I'm asking that we have a hearing. I'd like an answer from Mr. Stone and clarification as soon as possible or how

he plans to get that clarification.

Mr. Stone:

The President handles hearings.

Michelle Madoff:

How do you wish to handle a clarification on a budget matter.

Mr. Stone:

If it's budget we'll handle it as a budget item.

Michelle Madoff:

You're going to handle it in '84 when those budget jobs come up? Is that how you wish to handle it? It is in the budget presently. If you look at the budget, those jobs are presently in taking the Department of Engineering and Construction, the people who were in operating funds in putting them under capital funds. That is illegal. We cannot do that.

Mr. Stone:

Mr. President, I don't know what she's talking about at this point. But I do know that the budget has been printed now for some two weeks. There is an assigned time for which that department will be here and we'll have an opportunity to ask them all the questions. They'll be responding to us and then we can more clearly understand what is happening.

Michelle Madoff:

That is acceptable to me except that I've known about this since the day it happened because a number of Department Heads told me. As a matter of fact, the Department Heads stood up and applauded the Mayor the day that I

apologized, and I apologize again for interrupting what is sort of a state of the union message and perhaps should have held a press conference afterwards. I was just so appalled because the Department Heads themselves did not know those changes were made. Of course, they are hired help and we are elected people.

I think at this point we just can't wait just until the time that we're going to review it with the departments and have clarification that the Administration is still going to insist on paying these people out of capital funds. I'm not going to be a party to it and I would hope that no other member of Council will be. The word has gotten back to the Administration that I have made these statements. I want to see the memo; I've not been privy to it. I understand the Finance Chairman is not privy to it. I think that should be cleared up and I'd like a copy of that memo, Mr. Perry. It essentially has gone to the Department Heads and I don't know what it says, that's what I'm trying to see, saying something about transferring the people back to their original jobs.

Sophie just asked a question. If we're going to put it back then we have no problem. That changes the whole face of the budget and the borrowing. It changes the whole face of what we have to do in taxes. It affects the whole budget.

Mr. Stone moved to excuse Mr. Robinson for absence from the meeting.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone moved to approve the minutes of Monday, November 14, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Woods**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, December 5, 1983

No. 47

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, December 5, 1983

PRESENT:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

ABSENT:

Mr. Woods

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Givens presented

No. 4146 Resolution providing for the issuance of a warrant in favor of Insituform East, Inc. in the amount of \$13,500.00 in payment for an Emergency Contract furnished for the benefit of the City for Insituform Lining of the sewer on Guide Way from Brookline Boulevard to 181 lin. ft. south into a wooded area, chargeable to and payable from Code Account PW. 83-17, 4-01-25-0753-83, Sanitary Sewers in Various Locations. Prior approval by Council letter of July 27, 1983.

Also,

No. 4147 Resolution transferring the amount of \$75,000.00 from Code Account 1660, Salaries, Regular Employees, to the Community Communications Trust Fund (CCTF), both accounts with the Bureau of Cable Communications, Dept. of Public Works. Funds will be used to purchase equipment, services and supplies to be used by the Bureau of Cable Communications in connection with the regulations and utilization of the City of Pittsburgh's Cable Communications System in compliance with the FCC Regulation 76.31.

Which were read and referred to the Committee on Finance.

Also,

No. 4148 Resolution vacating Bland (Blanche) Street from Geyer Avenue to a 20 foot Unnamed Way

(108.9± easterly) in the 27th Ward of the City of Pittsburgh.

Also,

No. 4149 Resolution amending Res. No. 773, appr. August 15, 1983, eff. August 24, 1983, entitled: "A Resolution granting unto Pittsburgh Plate Glass Industries, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, six (6) electrical vaults in a portion of the sidewalks of the Boulevard of the Allies and Fourth Avenue, in the 1st Ward of the City of Pgh, by extending the time of the deadline from 60 days to 120 days."

Also,

No. 4150 Resolution granting unto St. Francis Hospital their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two (2) pedestrian bridges, one over Calvin Street, one over a portion of the sidewalks of Calvin Street and 45th Street in the 9th Ward of the City of Pittsburgh.

Also,

No. 4151 Resolution amending Res. No. 291, appr. April 18, 1983, eff. May 3, 1983, entitled: "Providing for a Contract or Contracts for the Reconstruction of Warrington Avenue from Haberman Street to Arlington Avenue, including necessary work on private property, necessary waterline work, and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pa, Dept. of Transportation; and providing for the payment of the cost thereof," by providing for an Agreement or Agreements with Green International, Inc. for Construction Inspection Services

in connection with the Reconstruction of Warrington Avenue, and by reducing the total amount from \$4,436,229.20 to \$4,376,229.20.

Also,

No. 4152 Communication from Louis R. Gaetano, Director, Dept. of Public Works, requesting authorization for himself to attend a meeting in Washington, D.C. with Congressman Coyne concerning the Saw Mill Run Sewer funding on December 14, 1983, at a cost not to exceed \$275.00 payable from Code Account 1502, Misc. Services, Director's Office, Dept. of Public Works. Prior approval granted by Council letter dated December 1, 1983.

Which were severally read and referred to the Committee on Public Works.

Mrs. Masloff presented

No. 4153 Resolution transferring \$15,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1800-1, Premium Pay, in the Bureau of Administration, General Office, Dept. of Parks and Recreation. These funds will be used to pay ingrade, shift differential, and overtime for the remainder of the year in all divisions within the Dept. of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Mrs. Masloff moved to suspend Rule 8 by providing consideration of the bill only until or after the 9th calendar day following the meeting in which the bill was introduced so it will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 4154 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with the renovation at Friendship Park, at a cost not to exceed \$5,500.00 payable from Code Account No. PR-83-13, Friendship Park.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Robinson presented

No. 4155 Resolution amending Section 11 of Res. No. 1228, so as to decrease line item WD-80-06 "Improvements to Chestnut Street Intersection" from \$200,000.00 to \$64,311.64 (-\$135,688.36), and further to add in line item WD-80-15 "Replacement of Undersized Water Lines Serving Fire Hydrants" (+\$85,688.36), and further to increase line item CC-80-01 "Unspecified Local Option" from \$2,270,000.00 to \$2,320,000.00 (+\$50,000.00).

Also,

No. 4156 Resolution amending Res. No. 588, eff. 7/2/81, as amended by Res. No. 1314, eff. 12/24/81, entitled, "Providing for a Cooperation Agreement(s) with the URA in connection with the administration of the Lemington Home for the Aged Urban Development Action Grant Project, so as to increase the amount allocated from \$1,243,483.00 to \$1,293,483.00 (+\$50,000.00).

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Robinson moved to suspend Rule 8 by providing consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so they will be on the agenda this Wednesday.

Mr. Flaberty seconded the motion.

Which motion prevailed.

Also,

No. 4157 Resolution approving the sale of Block 22-G, Lot 132 in the 21st Ward of the City of Pgh. by and between the URA and North Side Industrial Development Company, Inc. for \$15,000.00 — Industrial Land Reserve Fund (California & Kirkbride).

Also,

No. 4158 Resolution approving execution of Contracts by and between URA and various Redevelopers for the sale of properties in the 21st Ward — Redevelopment Area No. 27.

Also,

No. 4159 Resolution approving execution of a Disposition Contract by and between URA and Sheldon S. Smith for the sale of Block 23-E Lot 335 in the 25th Ward for \$6,500.00 — Residential Land Reserve Fund (1705 Buena Vista Street). (resale for rehab)

Also,

No. 4160 Resolution approving Contracts by and between URA and various Redevelopers for the sale of properties in the City of Pgh. — Property Management and Maintenance Program and Residential Land Reserve Fund. Properties in the 5th, 12th, 13th and 25th Wards of the City of Pgh. for \$1.00 per lot.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 4161 Resolution providing for the issuance of a warrant to Joseph DeFulio and Ethel DeFulio, his wife, c/o W. Theodore Brooks, Esquire, 1403 Law & Finance Building, Pgh., PA 15219, in the amount of \$17,500.00 in full settlement of a claim for property damage.

Also,

No. 4162 Communication from Richard S. Caliguiri, Mayor, City of Pittsburgh, requesting authorization for George R. Whitmer to attend a Legislative meeting in Harrisburg, PA on November 30, 1983, at a cost not to exceed \$300.00 payable from Code Account 1017, Misc. Services, Office of the Mayor. Prior approval granted.

Also,

No. 4163 Communication from Raymond E. Johnson, Deputy City Controller, amending Council Bill No. 4035, authorization for Fred Brenner to attend classes on the Honeywell Level 6 in Boston, Massachusetts, November 11-27, 1983 be amended to read in Dallas, Texas, December 19-23, 1983. The dollar amount remains the same of \$1,700.00 chargeable to and payable from Code Account C.F.M.I.S., Controller's Financial Management Information System.

Which were severally read and referred to the Committee on Finance.

The Chair presented

No. 4164 Petition from the residents of the 28th Ward, Fairywood

Section, City of Pittsburgh, requesting an evening hearing before City Council to discuss the following: 1) The closing of Windgap Plaza Giant Eagle Store and the \$5 million grant/loan made to Giant Eagles, Inc., i.e. the allocations of its revenues and the contents of its agreement. 2) Financial and technical assistance for community economic co-op ventures. 3) Crime in Fairywood and possible solutions.

Also,

No. 4165 Petition from the residents of the City of Pittsburgh requesting a public hearing before Council on the Mayor's proposed Water Authority.

Also,

No. 4166 Petition from the Bloomfield/Garfield Corporation, requesting a public hearing concerning URA's policy for re-allocating the monies flowing in from Urban Development Action Grant loans made to private developers also, to coincide with the present budget deliberations.

Which were severally read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Givens:

Mr. President, the motion would be that I move that the swearing in ceremonies and the reorganization of Council be rescheduled for the first working day in January which is Tuesday, rather than Monday, a holiday, January 3, 1984 at 10:00 a.m.

The Chair:

Sir, the only thing I have to say in

regards to that is that the Clerk and I have discussed it and obviously, it being a holiday, we weren't sure if we were committee by the Home Rule Charter to have it the first Monday in January or not.

Mr. Givens:

Danny, if you would come up please and let Council know what the legal problems are, if any.

**Dante Pellegrini,
City Solicitor**

On December 6, 1977, an identical question was asked of then Solicitor Mulvihill and the Law Department issued an opinion stating that there will be no legal objection if the meeting was transferred to the Tuesday after the first Monday.

The Chair:

If I may Council, the Chief Clerk and I discussed that and we felt that perhaps it could be moved to Tuesday and now we're told it can be but he said that most of them being sworn in wanted to have it on the Monday rather than the Tuesday.

Michelle Madoff:

We were told we had no choice.

Mr. O'Malley:

Call for a vote on it.

Michelle Madoff:

May I ask some questions before we call for a vote, Mr. President? May I have the floor?

The Chair:

I still think it's fair that Council have the prerogative to set that date.

Michelle Madoff:

Sure but may I ask a question?

The Chair:

Yes.

Michelle Madoff:

I was informed by the Clerk, and I don't know if it still stands, that if we're sworn in on the second, which is a Monday and a holiday, since there are no bills introduced we do not come in the rest of the week because there's nothing to vote on. If you do it on Tuesday morning, does Tuesday afternoon become Monday and do we come back on Wednesday?

Mr. Perry:

There's still no meeting that week.

Michelle Madoff:

Why?

Mr. Perry:

We won't have any bills. It's going to have to be the same.

Michelle Madoff:

I just want to know.

Mr. Stone:

We could also lose a day's wages.

The Chair:

Rather than have a discussion on it, if that's the choice of Council and there's a second, there's no problem and it's set for 10:00, January 3rd.

Michelle Madoff:

Do we lose a day's pay?

Mr. Pellegrini:

The two Councilmen who were elected and not yet Councilmen, would lose a day's pay.

Michelle Madoff:

Then they should have the option of saving when they want to be sworn in.

Mr. Pellegrini:

Just as a matter of information, there's no requirement that they be sworn in at the official session. They could be sworn in by —

Michelle Madoff:

You mean if I got caught in a plane in a storm and I had to get sworn in later, I would still be able to be sworn in later?

Mr. Givens:

Mr. President, I was not aware of the money thing until talking to Danny right now. There are a few Councilmen who would be affected by that, Steve Grabowski and Jack Wagner. I have not made any communication but I think precedence has been set in previous years. You have to recall now that we're going to have to bring our working staff in here. It's a holiday and it's going to be a very difficult time trying to get people to come down here. I think it's a

ceremony type of an affair where we want the people who have worked with us and most of them will not be in town on that particular day. So, only for that reason, I ask that it be moved.

The Chair:

Yes, it's going to be difficult with relatives and friends of the Councilpersons. Obviously, it being a legal holiday, they're not going to come down here and I can understand why.

As far as losing a day's pay, I'm just wondering if the swearing in isn't a formality whereas they obviously would become Councilpersons as of January 1 and to get paid from the start of the year you have to work at least one day to get the holiday.

Mr. Robinson:

Mr. President, if I might. I was in this situation several years ago and lost a day's pay.

Michelle Madoff:

I'd claim it.

Mr. Robinson:

I can't; I agreed to have the date changed. I didn't work for the money so I wasn't entitled to it.

One way that perhaps this can be solved, and I had spoken about this to Mr. Pellegrini and, I believe, Mr. Mulvihill back in 1978, is for those members of Council who might lose a day's pay because of the shift in the ceremonies, they can officially be sworn in by a Justice of the Peace or someone else who is authorized. They will then technically be members of Council. But that also means that those persons they are replacing are no longer members of

Council. A member of Council serves until such time that their duly elected successor is sworn in. So, I lost a day's wages and Mr. Lucchino got an extra day's wages. So, if anybody owes me any money, it's Mr. Lucchino because he got an extra day's wages.

The Chair:

Then the answer to it is to be sworn in by a J.P. on Monday, right?

Mr. Robinson:

Yes. As of the appointed time.

The Chair:

And then formally sworn in on Tuesday.

Mr. Robinson:

Right.

Michelle Madoff:

Excuse me, I asked Mr. Pellegrini a question and he didn't have a chance to answer. He made a reference on his own but people were talking and I don't think we heard it.

If someone were caught in a plane, you know, because of a storm or something, and didn't get here in time, can they be sworn in later?

Mr. Pellegrini:

Of course.

Michelle Madoff:

Can I be sworn in by a Justice of the Peace in another City? I want to go to the game but I may not be able to go.

The Chair:

Your good friend Bob Stone had to miss one of the swearing ins because of a holy day and was sworn in later, if I'm correct. So, obviously if it's no fault of their own —

Michelle Madoff:

I wouldn't want to miss being with this Council for the next four years.

The Chair:

The swearing in is just a formality. We're going with Tuesday, January 3, 1984.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4166

Report of the Committee on Finance for November 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4032

A Resolution entitled, "Resolution transferring Eleven Thousand Dollars (\$11,000.00) from Code Account No. 49, Reserve Fund-Sewage Service Charges-Allegheny County Sanitary Authority, Department of Finance to Code Account No. 1100, Miscellaneous Services, Department of Personnel and Civil Service Commission."

Which was read.

Also,

Bill No. 4033

A Resolution entitled, "Resolution providing for an agreement or agreements with the Greater Pittsburgh Labor-Management Committee, Inc. for the establishment of a labor management committee program with grant funds and matching funds from the City, for the creation of the Labor Management Committee Program Trust Fund, for the transfer of the sum of Eleven Thousand (\$11,000.00) Dollars into said trust fund, and for an agreement or agreements with the American Federation of State, County and Municipal Employees, to establish procedures for the joint control of expenditures made from said trust fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 4044

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Westinghouse Electric Supply Company in the amount of \$508.00 in payment for a circuit breaker box furnished for the benefit of the City in connection with emergency repairs to the air handler unit in the Public Safety Building and providing for the payment thereof."

Which was read.

Also,

Bill No. 4055

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Michael Facchiano Construction Company in the amount of Four Thousand Four Hundred Eighty Six Dollars and Thirty One Cents (\$4,486.31) in payment for Extra Work, being in addition to the original Contract Price of Sixty Three Thousand Eight Hundred Ninety Six (\$63,896.00) Dollars on Controller's Contract No. 26524, furnished for the benefit of the City in connection with the Concrete Step Construction on Halsey Place from Colorado Street to Mannheim Street, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4056

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Sphere, in the amount of Two Hundred Seventy Three (\$273.00) Dollars for payment due for advertisement in connection with the publication of a job classification description for an Engineering Division Supervisor - Traffic Engineering, Department of Public

Works; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4062

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Casciato Brothers, 3301 Hyperion Street, Pittsburgh, PA 15214, in the amount of \$27,288.20 in payment for Extra Work furnished for the benefit of the City in connection with Water Line Installation in the West End - Elliott Area and providing for the payment thereof."

Which was read.

Also,

Bill No. 4063

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Globe Linings, Inc., 1901 East Wardlow Road, Long Beach, CA 90807, in the amount of \$24,540.00 in payment for Repair to the cover at McNaugher Reservoir furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4064

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Wesco, 209 West General Robinson Street, Pittsburgh, PA 15212, in the amount of \$2,510.00 in payment for Computerized Testing of Switchgear and Transformer Equipment at the Highland Pumping Station furnished for

the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4065

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of American Railroad Construction Company, P.O. Box 54, Houston, PA 15342, in the amount of \$853.06 in payment for Repair of Railroad Tracks at the Water Treatment Plant furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4066

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of General Electric Supply Company, P.O. Box 360240M, Pittsburgh, PA 15251, in the amount of \$781.55 in payment for replacement of power factor solid state boards furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4067

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Atwood & Bates Construction Company, 3624 Bates Street, Pittsburgh, PA 15213, in the amount of \$2,000.00, in payment for extra work furnished for the benefit of the City in connection with City Controller's Contract No. 26001-F, Relay Water Line 44th Street, between

Butler and Hatfield Streets and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4068

A Resolution entitled, "Resolution transferring the sum of \$4,300,000.00 from Water Fund to the General Fund of the City of Pittsburgh."

Which was read.

Michelle Madoff:

On 4068, it's a bill transferring \$4,300,000.00 from the Water Fund to the General Fund of the City of Pittsburgh.

Now, if you look down to the second from the end paragraph, is that a

typo? You can't transfer \$400,000 and agree to transfer \$300,000.

Mr. Perry:

It's a typo.

Michelle Madoff:

There are more typos in this thing than I've ever seen. Who typed these things this week?

Mr. Perry:

One of my staff.

Michelle Madoff:

You don't want to mention names?

Mr. Perry:

No, I don't want to mention names.

Michelle Madoff:

Okay. I'm not a very good typist or speller. I figured I did it.

I would like some clarification. There was an answer given by the Director the other day saying this is money due to the General Fund under the Code, Section 4, Ordinance 54, amended, and so on. It should be paid at annual fair return as the City's investment. The question that I'm not sure on is how do we arrive at what a fair return is?

Mr. Stone:

You were one of the people who voted on it last year when we closed the budget.

Michelle Madoff:

Mr. Stone --

Mr. Stone:

That was part of the budget figure.

Michelle Madoff:

Just one moment. I've been voting on a lot of things and we've not had a fiscal advisor like all staffs have, like Congress, the Senate, the House, the Mayor. We're the only group that has no advisors going over the bills with us.

Mr. Stone:

The fiscal advisor can't help you if you vote on it and then later say you didn't.

Michelle Madoff:

I didn't say that I didn't vote on it. I said I questioned it last year and I'm questioning it again now. There are a lot of things I've done that I question because I took the advice of the Administration and their advisors.

Now, let us go a little step further. There was supposed to be a study given to us the first of December on what the rate increase would be on the proposed Water Authority that this Council did not vote on as yet, but that I've been told by Mr. Matter we sat in an office in the Mayor's study and that indeed we were informed there would be a Water Authority. If memory serves me well, and I believe, Mike, you have prepared for me and pulled the statements, that this Council said there would not be a Water Authority, merely a study to see what should be done with the water lines. We really didn't even need a \$150,000 study with Green Engineer to tell us the lines were defunct; we already knew that. And then another study to say what our options were. When the Budget was prepared,

we were informed that we were going to a Water Authority. This Council hasn't voted on that.

Mr. Givens:

We sure haven't.

Michelle Madoff:

Thank you. I though maybe I was losing my marbles.

Now, because that study is not available to tell us what the rate increase could conceivably be, which indeed negates the concept that there was not going to be, even if we accepted the Mayor's Budget as it is, a rate increase. I don't know whether Mr. DePasquale knows that there is a petition already submitted to Mr. Perry from the League of Women Voters to schedule a hearing on a Water Authority and Sewer Authority.

I have been functioning based on information given from the Administration in previous years. I fought very diligently over the last year to get a fiscal advisor to look into some of these issues. It was a close vote, 4-5; we tried to take it to court. I hoping next year that we will get somebody.

I'm going to hold this bill one week. I want to go back and check with the Water Director as to how they arrived at this particular figure. First of all there's a typo to begin with; you can't transfer a figure that is incorrect. But I'd like to hold it one week and go back and see how we arrived at this particular amount being the fair market value.

Mr. Robinson seconded the motion.

The Chair:

Roll call vote.

Mr. Stone:

I vote no for the reason that this has been set as it has always been set. At the close of the budget, this figure was put into the budget last year and now we are receiving the monies that we said that we would get from them and we ought to receive the money as soon as possible.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mrs. Masloff
Mr. Givens	Mr. Robinson
Michelle Madoff	

AYES 5 NOES 2

(MR. STONE AND MR. DEPASQUALE VOTING NO)

(MR. O'MALLEY ABSTAINING)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 4069

A Resolution entitled, "Resolution transferring \$15,000.00 from Code Account No. 1703, Utilities to Code Account No. 1709, Refunds, Department of Water."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4073

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of The Arnold Corporation, 98 Noble Avenue, Pittsburgh, PA 15205, in the amount that shall not exceed \$2,005.00, in payment for Traffic Complaint and Summons Books furnished for the benefit of the City; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 4074

A Resolution entitled, "Resolution transferring the sum of \$9,000.00 from Code Account No. 1457, Purchase of Uniforms and Equipment, Department of Police, to Code Account No. 1446-1, Investigation Expenses, Department of Police."

Which was read.

Mr. Stone:

Mr. President, in accordance with Section 322 of the Home Rule Charter Publication effective date of legislation, I move that the effective date on Bill 4074 shall be the date on which it is signed by the Mayor.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

What is the bill for?

Mr. Stone:

It deals with uniforms for police officers.

The Chair:

It's transferring the sum of \$9,000.00 to purchase uniforms and equipment, Department of Police.

Michelle Madoff:

Fine.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4104

A Resolution entitled, "Resolution providing for the issuance of a \$1,500.00 warrant in favor of Richard M. Dwyer, Jr., Joan J. Dwyer and Landmark Savings, 1306 Justine Street, Pittsburgh, Pennsylvania, 15204 in settlement of claim for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 4105

A Resolution entitled, "Resolution providing for the issuance of a \$4,000.00 warrant in favor of Horace and Frances E. Durham for property damage and providing for the payment thereof."

Which was read.

Also,

Bill No. 4106

A Resolution entitled, "Resolution providing for the issuance of a \$1,000.00 warrant in favor of William P. and Suzanne Rupert in settlement of claim for personal injury and providing for the payment thereof."

Which was read.

Also,

Bill No. 4107

A Resolution entitled, "Resolution providing for the issuance of a warrant to William Robinson, Jr. and Lottie Robinson, husband and wife, c/o Donald I. Shrager, Esquire, 817 Frick Building, Pittsburgh, PA 15219, in the amount of \$5,500.00 in full settlement of a claim for an auto accident involving a City vehicle and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4108

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Gates, McDonald and Company for professional services in connection with the administration of the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law."

Which was read.

Michelle Madoff:

I wonder if the Finance Chairman could help me. On Bill 4108, somehow or other I must have missed this. What's the \$22,000 going to Gates, McDonald? Don't we have a firm, I forget their name, —

Mr. Stone:

This is on a different, extraordinary thing. I don't have my notes here but on Wednesday they explained it.

Michelle Madoff:

I must have been out of the room when they explained it. Could somebody tell me what it is?

Mr. Stone:

Unemployment compensation as opposed to workmen's comp.

Michelle Madoff:

And we're hiring somebody to do that? We don't have anybody doing it now?

Mr. Stone:

Well, they need the services and that's why they're doing it.

Michelle Madoff:

For what?

Mr. Stone:

Unemployment compensation.

Michelle Madoff:

But what are they going to do for us? Does anybody know?

Mr. Stone:

For professional services in connection with the Administration.

Michelle Madoff:

We're voting \$22,000. I'd like to know what it is or I'd like to hold it a week.

Mr. Stone:

We had the explanation on Wednesday.

Michelle Madoff:

But you don't remember it either. I'm asking you what it is.

Mr. Stone:

I don't remember but I was satisfied with it.

Michelle Madoff:

You don't remember but you were satisfied with it.

Mr. Stone:

Yes.

Michelle Madoff:

Does anybody remember it? I don't remember it and I don't remember hearing it.

Mr. Givens:

I do. I passed on the bill.

Michelle Madoff:

Do you remember what it was for?

Mr. Givens:

There were no questions. It's self-explanatory I believe.

Michelle Madoff:

All I know is that it's \$22,000 to do something for Pennsylvania Unemployment Compensation. I don't remember what it was. Do we have part of the record? Mike, would you know from the record what it was for?

Mr. Perry:

I don't have it in here.

Michelle Madoff:

Does anybody remember? Nobody

remembers. I don't remember either.

Mr. Stone:

If it was something that I found offensive I'd be here opposing it.

Michelle Madoff:

I'm not saying that it's wrong or right. I'm asking what it is. I just want to know what it is. It's \$22,000 to Gates, McDonald Company for professional services —

The Chair:

Who are they? Consultants?

Michelle Madoff:

I just don't know what it's for.

Mr. Stone:

Unemployment compensation.

The Chair:

There was no problem with it Wednesday.

Michelle Madoff:

Well, I'm going to abstain on that bill because I don't know what it's for.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. DePasquale
(Pres't)

AYES 7

NOES none

(MICHELLE MADOFF ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 4167

Report of the Committee on Public Works for November 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4059

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Mellon Bank, N.A., for the grant of an easement for construction, maintenance and use of tunnels beneath the surface of Grant Street and William Penn Way and connecting facilities owned or utilized by Mellon Bank, N.A."

Which was read.

Also,

Bill No. 4121

A Resolution entitled, "Resolution granting unto Biran C. Mullins, 5421 Kipling Road, his successors and assigns, the privilege and license to construct,

maintain and use, at his own cost and expense, a conduit system for telephone, cable and electricity in a portion of the sidewalk of Kipling Road, in the 14th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4122

A Resolution entitled, "Resolution providing for the taking of property in the 5th Ward of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto."

Which was read.

Also,

Bill No. 4123

A Resolution entitled, "Resolution providing for the taking of property in the 6th and 8th Wards, City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto."

Which was read.

Also,

Bill No. 4124

A Resolution entitled, "Resolution providing for the taking of property in

the 5th Ward of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto."

Which was read.

Also,

Bill No. 4125

A Resolution entitled, "Resolution providing for the taking of property in the 5th, 6th and 7th Wards of the City of Pittsburgh, owned by POA Company, a Pennsylvania general partnership and Foster and Kleiser Corporation for the reconstruction of the Bloomfield Bridge and approaches and authorizing payment of just compensation and necessary and incidental acquisition and relocation costs related thereto."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4168

Report of the Committee on Planning, Housing and Development for November 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3854

A Resolution entitled, "Resolution approving the Herr's Island Redevelopment Proposal, dated October, 1983, including the Redevelopment Area Plan, for redevelopment activities in Redevelopment Area No. 45 and Redevelopment Area No. 48 in the Twenty-Fourth Ward of the City of Pittsburgh." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3855

A Resolution entitled, "Resolution authorizing the Mayor, the Director of the Department of City Planning, the Director of the Department of Parks and Recreation, the Director of the Department of Public Works, the Director of the Department of Lands and Buildings and the Director of the Department of Water, for and on behalf of the City of Pittsburgh, to enter into a Fifth Amendatory Cooperation Agreement with the Urban

Redevelopment Authority of Pittsburgh for the Redevelopment of the Herr's Island Redevelopment Area Project, being Redevelopment Areas No. 45 and 48 located in the Twenty-Fourth Ward of the City of Pittsburgh, providing for the vacation of certain rights of way, the conveyance to the Authority of certain property and vacated rights of way, the acceptance of a public park, changes in zoning, and non-discrimination in the use of public facilities." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4077

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)A7 of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the Public Parking Authority of the City of Pittsburgh, for authorization to construct a two-story 73 stall parking garage on property having 24.00 feet of frontage on the westerly side of Murray Avenue and 77.47 feet of frontage on the northerly side of Darlington Road, 14th Ward."

Which was read.

Also,

Bill No. 4078

A Resolution entitled, "Resolution amending Resolution No. 441, effective May 27, 1980, entitled, 'Providing for an Agreement or Agreements with the Port Authority of Allegheny County for the operation of the Model Neighborhood Reduced Fare Bus Loop Project for the period May 1, 1980 through April 30, 1981.'"

Which was read.

Also,

Bill No. 4079

A Resolution entitled, "Resolution amending Resolution 406, effective May 7, 1982, entitled, 'Amending Section 1 of Resolution No. 355, effective April 20, 1979, entitled, 'Providing for an Agreement or Agreements for the "Reduced Fare Bus Project" in the Hill District and Oakland and providing for the payment of the cost thereof and repealing Resolution No. 290 of 1979."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Aves:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 4081

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Grant-Liberty

Development Group Associates for the sale of Parcel 1 in the Second Ward of the City of Pittsburgh in Redevelopment Area No. 46." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Robinson:

On Council Bill 4081, I'd like to make a motion to recommit.

Mr. Stone seconded the motion.

Michelle Madoff:

What's it on, sir?

Mr. Robinson:

That's on the Grant Liberty Development Project.

Michelle Madoff:

You want to resubmit it?

Mr. Stone:

Wait a minute. I withdraw my second.

Mr. Flaherty:

I'll second for the purpose of discussion.

Mr. O'Malley:

Is there a reason why you're asking for the recommitment?

Mr. Robinson:

Yes.

Michelle Madoff:

Would you share that with us?

Mr. Robinson:

On 4081, there is an amendment in Section 2. We received a letter from Mr. Allen Ellett of the Fourth City Development Corporation which is the principle developer in this project alluding to some things that had been forwarded to Council. I assume that's what he meant. In reviewing the records, that information is not available and I want to recommit this bill until I can be assured that that information is available.

It was also my understanding in the letter, and I read that to Council, that Mr. Ellett welcomed an opportunity to share with Council some information. So certainly, if this bill is recommitted, then we can determine what it is he wants to share with us. It's my understanding that Fourth City Development, through its president, Mr. Albert Ratner, is taking primary responsibility for this project to move forward. Mr. Ratner was supposed to be here last week but was unable to be here. It seems to me that if we are asking him to take the responsibility, then we need to know if he's aware of whether or not all the information that we should have before we take final action is available to us.

The Chair:

What's the information pertaining to?

Mr. Robinson:

The information pertains to Section 2 of 4081. That information is not available. All the information is not available.

The Chair:

There's no information on the

execution of a contract for disposition of land by and between the Urban Redevelopment?

Mr. Robinson:

The information that is not available is in reference to Ordinance No. 1 of 1981, Ordinance No. 10 of 1982, and Ordinance No. 46 of 1982.

Michelle Madoff:

Which refer to what, Bill?

Mr. Robinson:

That refers to our Minority Business Enterprise Program.

Michelle Madoff:

That's what I thought. And he has not guaranteed that he would honor that and you don't want to move on it until you know that.

Mr. Robinson:

No, it's not a question of him guaranteeing they will honor it. I don't think that's an issue. The issue is whether or not all the information that we should have on what the plan is is available. All I'm saving is the information that we received from Fourth City does not say that it's all there, my research does not indicate that it's all there. I'm not saying that it's not available, but we don't have it. We don't have it.

Mr. Stone:

But if you have that provision in it, it's supposed to be according to that. Where's the problem?

Mr. Robinson:

Well, I think the problem comes in that if you transfer — Put it this way. If Council would prefer to let the bill go forward and approve it, fine. But if we don't have that information, the title can't be transferred. I'm simply trying to expedite that matter. All I'm saying is that if Mr. Ellett or Mr. Ratner had been here last week, we would have been able to discuss the total project. It was my understanding that's why they were requested to be here.

Michelle Madoff:

Is he coming here Wednesday, Bill?

Mr. Robinson:

I have no idea. All I'm saying is that if Council would prefer to move forward and you feel that we can work it out later, I have no problems in letting it go forward.

Mrs. Masloff:

Didn't you tell us earlier that there was an urgency for it?

Mr. Robinson:

No, there's no urgency on this bill. We've been waiting three years.

Mrs. Masloff:

That's why I thought you said that we had to move on it because we waited so long.

Mr. Robinson:

No.

The Chair:

Are you going to withdraw your recommittal?

Mr. Robinson:

No.

The Chair:

Is there any further discussion?

Mr. Flaherty:

I have a question for Councilman Robinson. Are you asking for a recommittal on the proposal? I'm somewhat confused, Bill, as to if you want a recommittal. I know it's on the floor now but after it got on the floor you said, "I'm not opposed to moving this bill."

Mr. Robinson:

My motion was to recommit. It was my understanding that the bill was seconded for recommittal so that we could have some discussion and some explanation. My position very succinctly is that we do not have verification for all the information that we need before we take final action. If Council feels secure that they have all the information that they need, I'll withdraw my request for recommittal. But, we still have to have that information, the City does, before there's transfer of title. I'm simply trying to expedite time. If members of Council feel they don't want to expedite time, fine. Let's go forward.

Mr. Givens:

Just one point for discussion. Bill brought up some fine points, I think, last Wednesday. I think it should be noted that's why I brought out the 60 day review. The only concern I have, Bill, is

that this coming Thursday that the Urban Redevelopment Authority Board is going to be meeting. On that meeting will be some of the concerns that you have brought up not only this week, but the past weeks.

Michelle Madoff:

When are they meeting, Dick? I'm sorry.

Mr. Givens:

I'm having a total review as a board member of the Urban Redevelopment Authority on all of the primarily minority requirements in the City of Pittsburgh and that of the Federal Government and, if the state money is involved, the state monies. This review is to be on the agenda this coming Thursday in the Urban Redevelopment Authority. If for any reason, the Urban Redevelopment Authority is not in compliance, then I think this Council as well as the Urban must do something about it. However, I've been told verbally that they are in compliance, that this particular one is actually the City of Pittsburgh selling this land to the Grant Liberty Development Group. As a result, we will be getting \$5,076,000.00 back into the Urban. But remember, as I said Wednesday, this money is for that purpose; to go out and acquire land that otherwise could not be acquired and to develop it. Had Urban not done this in years gone by, we would have the Convention Center sitting there, we'd have something in between and we wouldn't know what it would be and we would have the Penn Central Railway.

All this is the complexity of developing this part of the Golden Triangle. I caution anybody that when you attach amendments, etc., that what it's going to be used for is a good purpose

and it's the purpose of this Council.

Michelle Madoff:

Mr. Robinson, you want a week to get some more information; you should have that. You have a second so could we call the vote?

Mrs. Masloff:

Is that what you want? A week, Bill?

Mr. Robinson:

If I might, just three points of explanation and hopefully Council will bear with me.

One, I think it is essential that we not confuse the worthiness of this project with the process and what is legal. I don't think there's anybody here who wants to violate process or the law. What I'm saying to you is that there are laws in the City of Pittsburgh which I believe we ought to uphold and we ought to support. Some of those laws relate to minority business development. What I'm suggesting to you is that this particular project, when it was originally proposed, had certain components in it. Those components are not the same today as they were three years ago. I've raised this question before. It seems to me we need to know exactly what it is we are getting and how we're going to get it. The Minority Business Enterprise Program is supposed to be a total part of this project and I assume that it is. But there are portions of that project that was originally proposed that do not now exist, specifically those aspects that establish funds to support minority business development and to make sure that minorities can indeed financially participate in the project. It seems to me that we need to find out why that money is not available and if it can be

made available. We were told several months ago that the City was going to apply for \$30 million in UDAG funds. We received \$21 million. So, there's \$9 million that we wanted that we didn't get which means that something probably is coming up short or something has to be readjusted.

I have had occasion to discuss this matter with Mr. Brophy and Mr. Lurcott. I asked to have Mr. Ratner here because Mr. Ratner represented himself to this Council as a person that we could address our concerns to. That's exactly what I did. I addressed my concerns to Mr. Ratner. When Mr. Ratner couldn't be here, Mr. Ellett sent a letter and I read the letter to this Council. All I'm saying is that Mr. Ellett's letter one, did not address all the concerns that I have, and I got the letter the day before we had the meeting, and two, I am not sure that Mr. Ellett is prepared to say that this project is in compliance with the City's MBE Program. I thought by holding it and sending it to Committee next Wednesday, that we could get that information. The record should reflect that I don't think there's anybody on this Council who has been more in favor of this project than myself. But I do think I have some sort of obligation as Chairman of Planning, Housing and Development to try to inform Council and to try to make sure that we proceed in such a fashion that we're fair to everybody. That's what I'm going to continue to try to do. If Council would prefer to let this bill go forward and have these matters resolved elsewhere, I will support that also. I'm not trying to do anything that this Council will not support.

The Chair:

We have a motion to recommit.

Michelle Madoff:

I would like to —

The Chair:

Michelle, there's really no need for it.

Michelle Madoff:

Just a moment. There's motion to recommit and there's second. I would also like to ask my colleague if you would object to my including in that a legal opinion from the Law Department as to whether the City of Pittsburgh can invest say 20%, 10%, 5%, with City taxpayers' dollars, whether we legally are allowed to take a piece of the pie even though the money is funded by Urban. Other cities are doing that as a source of income. When they're developing major structures that are going to generate revenue —

Mr. Robinson:

My major objection is the same as it was Wednesday. I believe that the deal that is presently constructed is in the best interest of the City of Pittsburgh. I believe that if we were going to leverage for ownership in this project that we should have done it some time ago. It is not now fair to the developers in the twelfth hour to ask them to restructure the financing. Even though I believe what you're saying, even though I have advocated, and even though I have tried to get my colleagues on this Council to do exactly what you're talking about, this Council refused to do it. So, let's move on with this project, give these individuals an opportunity to build, and perhaps on the next project, Council will feel that we should leverage our position and perhaps have some ownership.

Michelle Madoff:

Mr. Robinson, I don't think you understood me.

The Chair:

Michelle, it wouldn't be legal for the City to commit that money. They've been doing a lot of illegal things over the years because they've been committing a certain --

Michelle Madoff:

Excuse me. I agree with Councilman Robinson. We should do nothing to jeopardize the package. And if the people think, well, I'm going to lose five or twenty percent and maybe there isn't going to be enough profit in it, we're going to back out. But this gentleman hasn't been here yet, Mr. Ratner. Maybe if he's approached, he might say, "I have no objections to that." Would you mind our asking him? If he says no, it's no. Mr. Robinson, would you object to a question of that nature?

Mr. Robinson:

Again, be fair to the developers. I think that's essential here, that no one get the impression we're trying to be unfair to them. I think we all appreciate the fact they want to build in our City.

This issue has been raised with Mr. Ratner. It's been raised with the Urban Redevelopment Authority.

Michelle Madoff:

No, no. It has never been raised with the Urban Redevelopment Authority.

Mr. Robinson:

Yes, it has; the record will reflect

it. We had him here and he and Mr. Robin, the Chairman of our Urban Redevelopment Authority, said emphatically that they would not change the financing formula to accommodate, one, minority business ownership, or two, ownership by the City of Pittsburgh. I insisted that they consider it and very respectfully they told me they would not. I dropped the matter.

Michelle Madoff:

When was this Bill? What month?

Mr. Robinson:

When we had the meeting on my bill to give them three months, up until September 30th, to get this UDAG, when we had that meeting. That's when they said it. A motion was made by Mr. DePasquale to give them until December 31, 1983. And Council approved that. We all voted on it the subsequent Monday. But they made it clear that they would not change their procedure around the financing to accommodate minority ownership, female ownership, or ownership by the City because they did not believe that they could work that deal given the time constraints.

Michelle Madoff:

Alright. Mr. Robinson, in lieu of that, I'll support your holding the bill. How long do you want to hold it?

Mr. Robinson:

Just until Wednesday.

Michelle Madoff:

May I have a letter go out to Mr. Robin of Urban Redevelopment, Mr. Brophy and the Law Department, asking whether in future developments we can structure them as such so that the City

will have a piece of the action?

The Chair:

Roll call vote on the recommittal.

Mr. Flaherty:

I support Councilman Robinson's motion. I feel that it's imperative, in view of the fact that the plight of minority unemployment is worsening in this City while the plight of unemployment in general is decreasing. Also, it's important to keep in mind that I believe there's approximately a \$21 million UDAG grant involved in this project. I think the least that this Council can commit itself is to make sure that there is a firm fulfillment to a social commitment that this Council and that the Mayor's Office had deemed a priority in this City. I don't believe that holding this up for a few days for the simple purpose to firm up that commitment is going to encroach or is going to hurt the project in the least.

Mr. Givens:

I vote aye and I think there should be no stone unturned to make sure that all the people in this City get what is justly right and due them under the law.

Michelle Madoff:

I wouldn't say that if I were you. I vote aye.

Mr. O'Malley:

I vote aye and I think Councilman Robinson, as Chairman of Planning, Housing and Development, certainly is entitled to that as Chairman. The project has been held up for three years already and if we were going to have laws on the books that are going to enable minorities to participate then I

think we should see that those laws are enforced.

Mr. Robinson:

I'd just like to add one other thing. Council Bill 4082, which is companion legislation, speaks specifically to the cooperation agreement on this project between Urban and the City. I'm not asking to have that recommitted because I think we should go ahead and work out the details of the coop agreement because I'm sure that Mr. Ratner, Mr. Ellett and all other persons involved will get us this information. So, it's not an attempt to block the project whatsoever. I vote aye.

Mr. Stone:

In view of the amendment made Wednesday wherein we incorporate all the general provisions relative to minority representation right in the bill, it would appear to me that it's strong enough and I think we should have gone forward on it. I vote no.

The Chair:

I don't mean to prolong this but I'm curious. If UDAG approves, and obviously minority representation must be there for UDAG to commit their money, and if we're still being asked for further information, I'll go along with it for a week. I vote aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES 1

(MR. STONE VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 4082

A Resolution entitled, "Resolution providing for a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with the Administration of the Liberty Center Urban Development Action Grant and providing for the payment of the cost thereof." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Givens:

I think it should be noted on these bills, Mike, it was discussed in Committee on Wednesday, Bill No. 3855 and Bill No. 4082, Councilman Robinson asked for a 60 day review and I think that should be a part of the bill so that in 60 days, in fact, Council does get the review back from those two particular bills.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 4169

Report of the Committee on Water for November 30, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4070

A Resolution entitled, "Resolution repealing Resolution No. 915, approved October 17, 1983, effective October 27, 1983, entitled, 'Providing for a contract or contracts for Repair of the Cover at McNaugher Reservoir; and providing for the payment of the cost thereof.'"

Which was read.

Also,

Bill No. 4071

A Resolution entitled, "Resolution amending Resolution No. 1385, approved December 30, 1982, as amended by Resolution No. 389, approved May 23,

1983, as amended by Resolution 910, approved October 17, 1983, entitled: 'Adopting and approving the 1983 Capital Budget and the 1983 Community Development Block Grant Program; and approving the 1983 through 1988 Capital Improvement Program' by decreasing the appropriation for line item WD-83-09 and increasing the appropriation for line item WD-83-23."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. DePasquale
Mrs. Masloff	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 4170

Report of the Committee on Lands and Buildings for November 30, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4045

A Resolution entitled, "Resolution providing for a contract or contracts, including the use of existing contracts, for construction in connection with renovations to No. 5 Police Station; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 4046

A Resolution entitled, "Resolution providing for a license to Duquesne Light Company for the installation of an overhead electrical system on City property designated as Block and Lot 77-R-362 and 46-C-97, 26th Ward."

Which was read.

Also,

Bill No. 4047

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh, County of Allegheny and School District of Pittsburgh to transfer its rights, title and interest, if any, for certain Three Taxing Bodies' properties in the 22nd Ward of the City of Pittsburgh to Pennsylvania Department of Transportation. Deeds to be in Quit Claim form for a total consideration of \$17,900.00, as indicated per the listing."

Which was read.

Also,

Bill No. 4048

A Resolution entitled, "Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 8 H, Lot 125, to the Pennsylvania Department of Transportation for the sum of \$10,220.00."

Which was read.

Also,

Bill No. 4049

A Resolution entitled, "Resolution authorizing the sale of property in the 23rd Ward of the City of Pittsburgh, designated as Block 8 H, Lot 97 and Block 9 E, Lot 70, to the Pennsylvania Department of Transportation for the total sum of \$14,520.00."

Which was read.

Also,

Bill No. 4050

Resolution amending Item B of Resolution No. 871 of October 14, 1983 for sale of lot in the 12th Ward, Lemington Avenue, Block and Lot (173-K-93) to Matthew Tomlin, for the sum of \$250.00. Amendment is to correct the lot size to read 25 x avg. 61.71 x 28.67.

Which was read.

Also,

Bill No. 4051

Resolution amending Item E of Resolution No. 871, approved October 14, 1983 for the sale of 2 vacant lots in the 16th Ward, St. Michael Street, Block and Lot 3-S-58-59, to Robert A. Reese and Patricia L. Stockline, for the sum of

\$400.00. Amendment is to correct parcel 3-S-58, T.D.B.V. page to read 39 instead of 19, and in parcel 3-S-59, T.D.B.V. should read 11 instead of 13.

Which was read.

Also,

Bill No. 4052

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

Also,

Bill No. 4053

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property and properties acquired at tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. O'Malley
Mr. Robinson
Mr. DePasquale
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. President, I need to know from the Law Department what the rules are when Council sends a letter to the Mayor and the Mayor decides not to answer the letter. It would seem to me that if Council passed a bill, and I would like to read two letters into the record for the record.

The first letter, they're both signed by Mr. Michael Perry, and they are sent to the Honorable Richard S. Caliguiri, Mayor of Pittsburgh, one is dated August 2, 1983.

"Dear Mayor,

This is to inform you that during Council meeting held Monday, August 1, 1983, Councilwoman Michelle Madoff moved with the approval of Council to have the parking stalls along the City County Building reassigned to Council along with the female department heads for the use of their vehicles.

The reason for this motion is to cut down the use of Council chauffeurs and make it easier for Council to reach their constituents in the City of Pittsburgh and also as a safety factor for the female Councilwomen and female department heads."

When I leave here at dark, I've had the cleaning people say to me, "I hope you don't mind me telling you, Mrs. Madoff" —

The Chair:

Michelle, if I may interrupt for a minute. We understand all of that. You started by saying that you wanted to know the Mayor's response or does he have to answer at all.

Michelle Madoff:

I'm not through. I have another one.

The Chair:

You asked the question as to whether he has to answer a letter or not. I don't think so but if you want to refer it to the Parliamentarian —

Michelle Madoff:

I want to pursue this to find out what other alternatives there are.

Then on September 20th, a letter went to the Mayor from Mr. Perry again saying:

"Enclosed is a copy of the letter I sent to you dated August 2, 1983, informing you of a motion presented by Councilwoman Michelle Madoff and approved by Council requesting you to reassign the parking stalls along the City County Building to Council along with the female department heads.

The Councilwoman requested that you respond to this letter. Your cooperation is appreciated."

Now, I want to go back and point out why it was a floor motion. As we all know, a floor motion is not binding. Is that correct?

The Chair:

Right.

Michelle Madoff:

However, if the Mayor does not respond, does that make it a binding motion?

Parliamentarian:

That's not a parliamentary question. If you want to address that to the Solicitor —

Michelle Madoff:

Well then, could we ask the Solicitor, or somebody, if the Mayor doesn't answer by saying, "I object", doesn't it become, in effect, law when there are six members of Council who voted for this bill?

I want to go back and tell you what happened. I parked on the side of the building because I've been staying here until after dark and why have people walk me to my car, you know it's getting dark earlier. I had planned that day to stay and I had on several other occasions stayed very late and when I do stay I get someone to walk me to my car.

On several other occasions when I parked, I never even got a ticket. So I assumed that the Mayor got the letters and had agreed to it. So, I go outside and my car is towed and I called the Police Department and I say, "Do you if you towed my car?" I didn't know if it was towed or stolen. They said, "Oh yes, we have your car." I said, "Who authorized the car to be towed?" "Mr. Jacoby." I called Mr. Jacoby and said, "Mr. Jacoby, did you authorize the towing of my car?" He said, "Yes, that's correct." I said, "Well, you were just authorizing the towing of cars that were obstructing on the street. You did not know that it was my car. Is that correct?" He said, "Oh yes, I knew it was your car." I said, "Mr. Jacoby, were you aware of the bill that

was passed in Council at a vote of 6-2 with one member absent?" He said, "No, I wasn't aware." I said, "Why didn't you call me to tell me to move the car? If you had told me about it, I could have moved the car and I could have asked you to check with the Mayor to find out if indeed he had, by virtue of not responding, said yes indeed we are authorized now to park for safety factors and what have you. It was not just for myself. It was for any female department head." He said he didn't know about that. I said, "But you knew it was my car when you ordered it towed." He said, "Yes." I said, "Mr. Jacoby, you are on the same floor. You're one minute from my office. It would take one minute to call me or to stop in my office. Why didn't you do that?" He said, "Because I just decided to call the police." I said, "Mr. Jacoby, you never made that decision on your own." It was because I pointed out the day before in the paper, and I now have a record of it, of the numbers of jobs, and I want to give you a direct quote from our Director of Public Works, "It is almost impossible in many instances to segregate bond fund activities from operations Public Works."

I think it's very unfair that I wasn't given at least the courtesy. I am not going to fight parking illegally if the Mayor wants to subject me to harassment. That is his prerogative. However, I want to point out to this Council that my car was wedged and the car was pulled out with damage to the left front bumper. I also have a ticket for \$35. I presume that the ticket, when I go to court, will be waived in lieu of the defective bumper. But very interestingly, when I picked up my car at the pound and drove the car home, as you know on Penn Avenue there are a lot of overhead bridges, I kept hearing this very weird sound. I thought there were cars going overhead. It turned out that my

brakes, when brought back the next day to Baum Boulevard Dodge, were defective. Not only front but rear, and I have not only a \$100 bill, \$60 and \$30 for the fine, whichever way, it's \$100, but a \$219 bill to repair my brakes. There is no way on this earth that I can prove that the brakes were damaged by the towing. I must tell you that my car has been living in the garage. It was in there the week before and I paid \$106 and it would be surprising that they didn't notice this but they say they only look for things that people complain about and their story was that the reason I had this \$200 bill to pay on my brakes is that if we had inspection twice a year instead of once a year, then I would have only had a \$40 or \$60 bill instead of a \$200 because they would have caught the brakes going bad.

I think it's a sad day when a director of the Mayor's staff does to me what one reporter did to Councilman Flaherty. Every time an issue is raised, for example the Stadium, instead of responding to the issue of the Stadium, there's a personal onslaught made on the person. I wish I had thought of the smart comment about Michelle shot from the lip and the comment that I didn't even know what page my salary was on. I think it's a credit to me that I don't know what page my salary is on. But I do know what page the operating budget that was put in the Capital fund is on and we'll be discussing that tomorrow when we get to the Department Heads and I'm sure there will be other people sharing in that issue with me. But I think it was important to clarify the issue and if we're going to talk about rudeness, sometimes, and you've been a victim of losing your temper, Mr. DePasquale, because something just got to you and you just blew and then you say, "Gee, I wish I hadn't done that", and you've apologized. I have done the same thing and I've apologized. But I think it is

rude, far greater rudeness to tell me, to have the guru, Mr. Matter, tell me that we have had, and this Council did indeed vote for a Water Authority when we did not, and I asked him when the Department Heads were notified that their engineers were going to be removed, and he said, "They were notified in time." I said, "My understanding is that they were notified just before the Mayor presented the Budget and it is my information also that the Budget was given to the printers and only two days before the budget was printed was this information of this new Department of Engineers and Construction created and that nobody should know about it or investigate it."

I did not accuse the Administration when I raised the issue originally. I merely invited the Department Heads and the Mayor and the Administration to come before this Council and explain if indeed there was an overlapping of Operating and Capital Budget because I felt that that would be fraudulent and I personally couldn't vote for it. That's something like what happened in North Strabane. I said I think it's time they come and I said it very low key. As a matter of fact, I probably was at half-time for Michelle Madoff and very politely asked that they come here. That was not a cause for abuse, a cause for having my car ticketed, a cause for the towing and a cause for \$300 worth of damage.

Mr. Givens:

Mr. President, if I might add my comments, I think that if this Council does take unilateral action on anything that it should be so honored. I think a letter should go from you, Mr. President, to the Chief Magistrate expressing that this was Council's intent, that there was nothing that Michelle was doing that she thought, at the time, was not legal. I

and everyone else in this particular room would have felt the same way. If Mr. Jacoby did not know that, it is sad. However, there are two parking places that you now occupy. The one then should be terminated and you should be given a parking space out front, if you feel that way and if you do in fact work here late at night and go out when there's nobody on the streets. That is a very isolated area. It's fairly well lit up until you get to the Manor Building and from the Manor Building underneath that bridge is a very open area.

The Chair:

In all fairness, those spaces should be for Council and the Mayor. The Department Heads should not share their spaces over Council. I've said that all along and I'll say it again. I won't be here next year but at the same time, Council deserves those spaces if anybody deserves them. We're in here voting on legislation that affects this whole City, the whole County of Allegheny. Certainly they should have preference over directors.

Michelle Madoff:

Thank you, Mr. President. And it's a slap in the face that when six of us vote for something, that not even an answer or a response — forget me, what about the other five — to say, "No, we're not going to go along with it." And it is very rude for Mr. Jacoby not to have enough courtesy to pick up the phone and say, "Michelle, we don't have any space; I'm going to have your car towed. Will you please move it?" It could have been moved in five minutes.

The Chair:

Thank you.

Mr. Robinson:

Mr. President, I'd just like to submit two reports, one from my trip to Detroit for the Economic Development and Leadership Conference on November 11, and the other trip I took to New Orleans for the 60th Annual Convention of the National League of Cities.

The Chair:

In other words, they weren't perks.

Mr. Robinson:

No sir.

The Chair:

Okay.

(REPORTS SUBMITTED BY MR. ROBINSON)

Report
Economic Development and
Leadership Conference
Detroit, Michigan
November 11, 1983 - November 14, 1983

In conjunction with my position as Chairman of Planning, Housing and Development, Pittsburgh City Council, I attended this conference to become better prepared to address major economic development projects in the City of Pittsburgh, as well as the preparation of specific proposals to enhance the City of Pittsburgh's economic stability. Additional information is available upon request.

Report
National League of Cities
60th Annual Convention
New Orleans, Louisiana
November 25, 1983 - November 28, 1983

In my capacity as Chairman of Planning, Housing and Development, Pittsburgh City Council, and Member of the Pennsylvania League of Cities, Legislative Committee, I attended this Convention and the National Black Caucus of Local Elected Officials Conference, which was held simultaneously.

I was particularly interested in those resolutions and workshop/seminars specifically related to urban issues.

The full text of all Resolutions considered and adopted as part of the National League of Cities Municipal Policy are available upon request.

Submitted by:
William Russell Robinson
Chairman,
Planning, Housing and Development

(END OF REPORTS)

Mr. Givens moved to excuse Mr. Woods for absence from the meeting.

Mrs. Masloff seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Givens**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

Monday, December 12, 1983

No. 48

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, December 12, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

I'd like to make an announcement. There will be a public hearing on the proposed creation of the Water Authority for Thursday, January 19, 1984 at 10:00 a.m. That will probably be the last hearing date I'll set but I still have that prerogative. So,

you will meet to have a hearing on January 19, 1984 at 10:00 a.m. for the creation of the Water Authority.

PRESENTATIONS

Mr. Flaherty presented

No. 4171 Resolution repealing Resolutions, approved on various dates, for the sale of properties in various Wards of Pittsburgh, in accordance with Act No. 514, and providing for the forfeiture of hand money.

Also,

No. 4172 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended.

Also,

No. 4173 Communication from Daryl H. Smith, Director Dept. of Lands and Buildings, requesting interim approval to provide for payment to various contractors for extra services performed in connection with the construction of No. 42 Fire Station, Chestnut Street, at a cost not to exceed \$19,000.00 payable from Capital Project LB 76-01, No. 42 Fire Station, Chestnut Street.

Which were severally read and referred to the Committee on Lands and Buildings.

Mr. Givens presented

No. 4175 Resolution providing for an Agreement or Agreements with Earl B. Franklin, "North Shore Marina", for the Reimbursement of all costs involved in the paving of 22nd Street from Railroad Street to the Stone Wall at the Allegheny River.

Also,

No. 4176 Resolution providing for an Agreement granting EAT 'N PARK, its successors and assigns, the right to construct and maintain a building addition over a sewer line of the City of Pittsburgh on property owned by EAT 'N PARK, in the 12th Ward of the City of Pittsburgh.

Also,

No. 4177 Resolution providing for an Agreement granting the Buncher Company, its successors and assigns, the right to construct and maintain a building over a sewer line between Liberty Avenue and the East Busway, in the 6th Ward of the City of Pittsburgh.

Also,

No. 4178 Resolution granting unto David K. Tanner, 100 Brosville Road his successors and assigns, the privilege and license to construct maintain and use at its own cost and expense encroachments in a portion of the right-of-way of Nusser Street, 17th Ward, City of Pittsburgh.

Also,

No. 4179 Resolution taking, appropriating and condemning by the City of Pgh. for public road widening and easement purposes, certain property of Theresa, Charles and Rose Seminatora, situated at the intersection of

Pennsylvania Avenue and Brighton Road in the 25th Ward, City of Pgh., at a cost not to exceed \$5,000.00 payable from Code Account PW 83.38.

Which were severally read and referred to the Committee on Public Works.

Michelle Madoff presented

No. 4180 Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$5,685.75 in payment for Chlorine furnished for the benefit of the City, chargeable to and payable from Code Account No. 1750, Chemicals.

Which was read and referred to the Committee on Finance.

Also,

No. 4181 Resolution amending Res. No. 94, appr. Feb. 3, 1983, as amended by Res. No. 498, appr. June 21, 1983, entitled: "Providing for a Contract or Contracts for the relay of water line and appurtenances in various locations", by decreasing the appropriation from \$211,258.84 to \$168,687.51.

Also,

No. 4182 Resolution amending Res. No. 550, appr. July 6, 1983, entitled: "Providing for a Contract or Contracts for the Installation of Large Water Meters", by decreasing the appropriation from \$100,000.00 to \$35,000.00 chargeable to and payable from the 1983 Capital Budget Account No. WD-83-19 (4-05-25-0005-83).

Also,

No. 4183 Resolution amending Res. No. 645, appr. July 7, 1983, entitled: "Providing for a Contract or

Contracts for the Purchase of Wwter Meters", by increasing the appropriation from \$65,000.00 to \$130,000.00.

Which were severally read and referred to the Committee on Water.

Mrs. Masloff presented

No. 4184 Resolution authorizing the issuance of a warrant in favor of Gulli Contracting Company in the amount of \$2,265.00 in payment for renovation work at Mellon Park Service Building furnished for the benefit of the City, chargeable to and payable from 4-10-15-0002-83 (PR83-17) Major Repairs and Emergencies, Dept. of Parks and Recreation.

Which was read and referred to the Committee on Finance.

Also,

No. 4185 Resolution amending Res. No. 628 eff. Aug. 1, 1983, entitled: "Providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use of existing Agreements for the rehabilitation of Fowler Pool and Park", by decreasing the amount provided from \$1,246,500.00 to \$1,213,750.00 chargeable to and payable from the Fowler Pool and Park Trust Fund, Dept. of Parks and Recreation.

Also,

No. 4186 Resolution amending Res. No. 627 eff. Aug. 1, 1983, entitled: "Providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use of existing Agreements for the rehabilitation of Riverview Pool", by decreasing the amount provided from \$847,000.00 to \$770,000.00 chargeable to and payable from the Riverview Pool

Trust Fund, Dept. of Parks and Recreation.

Also,

No. 4187 Resolution amending Res. No. 629 eff. Aug. 1, 1983, entitled: "Providing for a Contract or Contract or the use of existing Contracts for construction of new facilities at the Pittsburgh Zoo, and providing for the payment of the cost thereof", by increasing the amount provided from \$3,500,000.00 to \$3,700,000.00 chargeable to and payable from 4-10-01-1230-81 (PR81-02) Zoo Master Plan, Design and Implementation, Dept. of Parks and Recreation.

Also,

No. 4188 Resolution amending Res. No. 1046, eff. Dec. 6, 1983, entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the construction of a new ticket sales structure and various repairs at the Pittsburgh Zoo", by increasing the amount provided from \$60,000.00 to \$100,000.00 chargeable to and payable from 4-10-01-0001-83 (PR83-01) Zoo Rehabilitation, Dept. of Parks and Recreation.

Also,

No. 4189 Resolution amending Res. No. 118, eff. March 2, 1983, entitled: "Providing for a Contract or Contracts or the use of existing Contracts for the rehabilitation of Friendship Park", by decreasing the amount provided from \$145,000.00 to \$114,000.00 chargeable to and payable from the Friendship Park Trust Fund, Dept. of Parks and Recreation.

Also,

No. 4190 Resolution further

amending Res. No. 1385 eff. Dec. 31, 1980, as further amended, entitled: "Providing for the letting of a Contract or Contracts for the construction of South Side Riverfront Park; and providing for the payment of the cost thereof", to include Agreement or Agreements by decreasing the amount provided from \$800,000.00 to \$750,000.00 chargeable to and payable from South Side Riverfront Park Trust Fund, Project Code 4-10-10-1562-78-106-78-10, 78CDPR, (PR78-10) South Side Riverfront Park, Dept. of Parks and Recreation.

Also,

No. 4191 Communication from Louise R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with the Shotcrete/Gunite construction by Cost, Inc. at the Pittsburgh Aviary, at a cost not to exceed \$896.00 payable from Project Code Aviary Trust Fund, (AFT). This work is for the removal of concrete bollards from the present pond floor and for the addition of brackets and platforms for nesting and breeding.

Also,

No. 4192 Communication from Louise, R. Brown, Director, Dept. of Parks and Recreation, requesting interim approval for payment for work in connection with the General Construction at the Phipps Conservatory at a cost not to exceed \$10,102.00 payable from Project Code PR 81-25, Major Repairs and Emergencies. This work is required to correct deterioration in the existing foundation walls and to repair/replace the entrance vestibules' glazing structures.

Which were severally read and referred to the Committee on Parks and

Recreation.

Mr. O'Malley presented

No. 4193 Resolution amending Res. No. 1325, eff. Dec. 23, 1982, entitled: "Providing for an Agreement or Agreements with the Catholic Youth Association and the URA of Pgh. for the replacement of roof and other external repairs to the Stephen Foster Center located at 286 Main Street, City of Pittsburgh", by reducing the amount from \$160,000.00 to \$110,000.00.

Also,

No. 4194 Resolution providing for an Agreement or Agreements with the Legal Advocacy for Women, and organization that provides counseling and information for low-income women experiencing problems in obtaining child support payments, at a cost not to exceed \$35,000.00 chargeable to and payable from the 1983 Emergency Jobs Bill Community Development Block Grant Program Unspecified Local Options, Project No. 4-40-05-0002-83-814-83-35.

Also,

No. 4195 Resolution providing for an Agreement or Agreements with the Kingsley Association of East Liberty for a Youth Counseling Program that assists low-income persons with information on career opportunities, at a cost not to exceed \$15,000.00 chargeable to and payable from the 1983 Emergency Jobs Bill Community Development Block Grant Program Unspecified Local Options, Project No. 4-40-05-0002-83-815-83-35.

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. O'Malley moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

No. 4196 Resolution providing for accepting a grant from The Sears-Roebuck Foundation in the amount of \$3,000.00 for the operation of "Officer Friendly Program" to be conducted by the Community Relations Section of the Dept. of Police, and for the deposit of grant funds in Special Trust Fund No. 2, for the "Officer Friendly Program".

Which was read and referred to the Committee on Public Safety.

Mr. Robinson presented

No. 4197 Resolution approving a Conditional Use under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to County of Allegheny to renovate and enlarge the Jones Law Building to be used as a County Jail facility located on the westerly side of ROSS STREET between THIRD and FOURTH AVENUES, 1st Ward.

Also,

No. 4198 Resolution amending Res. No. 880 of 1982 providing for an Agreement(s) with consultant or vendors to provide and prepare census information, by decreasing the amount from \$50,000.00 to \$40,000.00 chargeable to and payable from the 1981 CDBG Program, Dept. of City Planning, (CP 81-05), "Neighborhood Census

Publication", Project No. 4-35-01-3068-81-209-81-35. The \$10,000.00 released by this amendment will be used for the Homewood-Brushton Senior Day Care Center previously authorized by Resolution.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Stone presented

No. 4199 An Ordinance amending and supplementing the Pittsburgh Code, Title One - Administrative by repealing Chapter 137 - Dept. of Lands and Buildings; by adding Chapter 120 - Dept. of Engineering and Construction; by amending Section 119.02, POWERS AND DUTIES OF DIRECTOR (of Department of Public Works); by adding Subsection (e) to Section 121.02, POWERS AND DUTIES OF DIRECTOR OF FINANCE; by amending Chapter 127 - Dept. of Supplies by restructuring the Dept. of Supplies as the Dept. of General Services and by adding new subsection (c); by amending Section 139.02, POWERS AND DUTIES OF DIRECTOR (of Dept. of Parks and Recreation); and by amending Section 141.02, POWERS AND DUTIES OF DIRECTOR (of Dept. of Water); and by authorizing the City Solicitor to change the Pittsburgh Code to conform to the changes caused by the adoption of this Ordinance.

Also,

No. 4200 Resolution authorizing the Director of the Dept. of Engineering & Construction to assume full administrative and fiscal responsibilities for certain Capital Projects within the Capital Improvements Program authorizing and directing the Controller to permit the Director of the Dept. of Engineering & Construction to authorize any and all contracts and expenditures

for such Capital Projects payable from existing appropriations.

Also,

No. 4201 Resolution amending Res. No. 968, eff. Nov. 7, 1983, entitled: "Providing for the filing of an application(s) with the Urban Consortium Energy Task Force for a grant of \$64,000.00", by amending Section 6 to increase the amount payable for consultants to \$47,250.00, chargeable to and payable from the Energy Task Force Trust Fund, established within Special Trust Fund No. 2, and transferring \$25,000.00 from Code Account No. 57, Social Security Fund to the Energy Task Force Trust Fund, not to become effective until January 1, 1984. Upon reimbursement from the Urban Consortium these funds will be transferred back to Code Account No. 57, Social Security Fund.

Which were severally read and referred to the Committee on Finance.

Mr. Stone moved to suspend Rule 8 by providing for consideration of the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Woods seconded the motion.

Which motion prevailed.

Also,

No. 4202 Resolution providing for the issuance of a warrant in favor of the William Penn Hotel in the amount of \$281.18 in payment for the use of a meeting room for the Energy Task Force Unit meeting on Sept. 1, 1983, furnished for the benefit of the City in conjunction with the City of Pittsburgh Energy Project, chargeable to and payable from

the Energy Task Force Trust Fund, which is fully reimbursed from the Federal Government.

Also,

No. 4203 Resolution providing for the issuance of a warrant to Allyn P. Kreil and Grace L. Kreil, his wife, in care of Alexander J. Jamiolkowski, Esquire, 802 Arrott Bldg., Fourth & Wood Street, Pgh., PA 15222 in the amount of \$150,000.00 in full settlement of a claim for personal injuries sustained on the 26th day of August, 1981 at or near 14th and Penn Avenues, payable from Code Account No. 46, Judgments.

Also,

No. 4204 Resolution transferring \$7,000.00 from Code Account 1024-2 Constables' Warrant Fund to Constables' Warrant Trust Fund. The proposed Trust Fund will allow the Chief Magistrate to pay the fees immediately to the Constable and then allow a defendant to pay their fines, costs and fees over a period of time. The fund will be replenished by fees collected and when necessary by transfers of other funds.

Also,

No. 4205 Resolution providing for an Agreement or Agreements with Volpe-Rogal, Inc., for professional services in connection with the Workers' Compensation Program, at a cost not to exceed \$150,000.00 chargeable to and payable from Code Account No. 44, Workmen's Compensation Fund, Dept. of Finance.

Also,

No. 4207 Communication from John Gabriel, Director, Commission on Human Relations, requesting authorization for Donna M. DiLeonardo

to attend a conference on Fair Housing Programs in Philadelphia, PA, January 17-20, 1984, at a cost not to exceed \$750.00 payable from the HUD FHP Trust Fund.

Which were severally read and referred to the Committee on Finance.

Also,

No. 4206 Resolution providing for a Contract or Contracts for the furnishing and delivery of various office equipment in the Controller's Office, at a cost not to exceed \$25,000.00 chargeable to and payable from Code Account No. 1051, Equipment, Dept. of City Controller.

Which was read and referred to the Committee on Supplies.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4208

Report of the Committee on Finance for December 7, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4116

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of ACCU-TEMP Inc., in the amount of \$1,620.00 and D.M.K., Inc. in the amount of \$1,600.00 totalling in the aggregate of \$3,220.00 in payment for emergency work performed at various City properties and providing for the payment thereof."

Which was read.

Also,

Bill No. 4128

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Electric Manufacturing & Repair Company, P.O. Box 326-2025, Milford Drive, Bethel Park, PA 15102, in the amount of \$343.45, in payment for Repair of a Power Pack furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4129

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Lewis & Coulter, Inc., 1225 Washington Boulevard, Pittsburgh, PA 15206, in the amount of \$391.77, in payment for Repair of Four Pumps and One Saw furnished for the benefit of the City and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes. and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff
Mrs. Masloff

Mr. Robinson
Mr. Stone
Mr. Woods

Mr. O'Malley

Mr. DePasquale
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4134

A Resolution entitled, "Resolution designating Banks and Lending Institutions to act as depositories for the year 1984 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories."

Which was read.

Also,

Bill No. 4068

A Resolution entitled, "Resolution transferring the sum of \$4,300,000.00 from the Water Fund to the General Fund of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4153

A Resolution entitled, "Resolution transferring \$15,000.00 from Code Account 1818, Wages, Regular and Temporary Employees in the Bureau of Maintenance, Park Division to Code Account 1800-1, Premium Pay, in the Bureau of Administration, General Office in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens
Michelle Madoff
Mrs. Masloff
Mr. O'Malley

Mr. Robinson
Mr. Stone
Mr. Woods
Mr. DePasquale
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4209

Report of the Committee on Planning, Housing and Development for December 7, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4081

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority and Grant-Liberty Developers Group Associates for the sale of Parcel 1 in the 2nd Ward of the City of Pittsburgh in Redevelopment Area No. 46 (Hotel &

Office Building)."

Which was read.

Mr. Robinson:

Mr. President, if I might. On Bill 4081, Section 2 should include Mayor's Executive Order No. 1 of 1980. I think there may have been a typo or we might have missed that. But it should include Mayor's Executive Order No. 1 of 1980.

I make a motion to amend.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Stone:

Bill, don't you have that on the bottom of the page? Ordinance No. 1 of '81? Is that the one you're talking about?

Mr. Robinson:

No, Ordinance No. 1 of 1981 is not the same as the Mayor's Executive Order of 1980. I think that's where the confusion came in.

Also,

Bill No. 2945

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 16, by changing from "RP", "C3" and "M3" to "CP" District for certain property located on the southeast corner of Penn and Shady Avenues, 7th Ward."

Which was read.

Also,

Bill No. 4155

A Resolution entitled, "Resolution amending Section 11 of Resolution No. 1228, effective December 31, 1979, and by Resolution Nos. 316, 797, 1201, and 1419 of 1981; and by Resolution No. 416 of 1982; and by Resolution No. 889 of 1983, entitled, 'Providing for the filing of an application by the City of Pittsburgh with the United States Department of Housing and Urban Development for a grant in connection with the 1980 Community Development Block Grant Program', so as to decrease line item WD-80-06 'Improvements to Chestnut Street Intersection' from \$200,000.00 to \$64,311.64 (-\$135,688.36), and further to add in line item WD-80-15 'Replacement of Undersized Water Lines Serving Fire Hydrants' (+\$85,688.36), and further to increase line item CC-80-01 'Unspecified Local Option' from \$2,270,000.00 to \$2,320,000.00 (+\$50,000.00)."

Which was read.

Also,

Bill No. 4156

A Resolution entitled, "Resolution amending Resolution No. 588, effective July 2, 1981, as amended by Resolution No. 1314, effective December 24, 1981, entitled, 'Providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority in connection with the administration of the Lemington Home for the Aged Urban Development Action Grant Project, so as to increase the amount allocated from \$1,243,483.00 to \$1,293,483.00 (+\$50,000.00)."

Which was read.

Mr. Robinson:

On Bill 4156 which is the bill on

Lemington Home, I want to share some information with Council that I think specifically relates to Mr. Stone's efforts. This is the bill that will allow the City to give some assist to Lemington Home. Mr. Stone and Mr. DePasquale and others have been working diligently in this area.

I have requested of Mr. Young, our CD Director, to give us some specifics as to how we were going to address this Lemington problem on a long term basis and specifically how we were going to protect our investment.

I'd just like to share with Council three things that are going to be done and then indicate how I think we should proceed. First of all, the Lemington management will submit a monthly report to URA, the Mayor's Office, and Pittsburgh City Council which will include a monthly financial statement, percent of occupancy and patient mix, and this was a problem that the state had with them, comments relative to the general operation of the facility with special emphasis given to problem areas that have been identified. Two, the Lemington management, within the next three months, will do the following: reorganize their Board of Directors, which I think will address some policy concerns; two, have an independent certified public accounting firm or a qualified management consulting firm prepare a report which includes the present financial status of the facility and develop a five year operational plan. A status report of the above item, number two, will be submitted to the URA, Mayor's Office and Pittsburgh City Council by April 30, 1984. Third, a representative of URA, the Mayor's Office and Pittsburgh City Council, Lemington Management and a board member will meet periodically to review the reports that are submitted.

I think that it would be appropriate for Council to attach this memo to the bill as a letter of conditions upon which we are advancing the \$50,000 and a letter of condition for any additional assist that we might give through Urban.

Mr. Stone:

Since we don't know all the problems, I suggest that you submit but don't make it a condition. You may thwart the ability to carry it out.

Mr. Robinson:

Okay, then let us attach these monitoring requirements to the bill and alert Urban to the fact that it is Council's interest to see to it that all these monitoring requirements are met.

Mr. O'Malley:

Just one question, Mr. Stone. What you're saying is, don't make these the conditions of the grant?

Mr. Stone:

Yes because you don't know all the problems yet and you don't want to hold back the 50. What he's talking about is the future and what needs we have to take care of. It should not condition the 50 but I think you have to put that there, the lines of our thinking, so that they know in advance.

Mr. O'Malley:

In my opinion, it would seem to be that there has to be some conditions attached to the money because after reviewing what Lemington Home sent to me that I have to disagree with their accounting. I think some of their problems had to do with bad and poor management. I think the minimum

condition that should be put on the \$50,000 is an independent audit because the responsibility that this Council has is to the patients of that home, to the people in that community and not necessarily to the management or the Board of Directors. If we're going to continue to see that the people of the community have a place to go when they need the services of Lemington Home, and I think it's the responsibility of this Council to make sure that the best management that we could find possible is in charge of Lemington Home.

Mr. Stone:

Mr. O'Malley, I don't differ with your intent but the problem is this. Some of the things he's asked for in this letter are things that are to be done in the future. The \$50,000 is a matched accounting that has to be done now. I think we have to get that and after talking to Commissioner Foerster, it's my understanding they're trying to obtain funds from a private fund whereby they would pay for the auditing firm to do the actual audit which we've asked for, which everybody, including management and everyone else involved, is in accord. They want to have it done. But to put this letter on, having some things that are going to be done in the future, before you give the 50, which you want to go now, is going to thwart that ability.

Mr. O'Malley:

That's not what I said.

Mr. Stone:

I'm not saying don't do what you're saying, I'm just saying —

Mr. O'Malley:

That's not what I said. All I said was, here's the \$50,000 and we would like

to have an audit performed. That's the only concern I have.

Mr. Robinson:

Mr. President, to answer Councilman O'Malley's specific concerns about the audit being done, under the present arrangements with our UDAG staff at Urban, and they will be responsible for administering this additional \$50,000, it is my understanding that we are on firm legal ground to request exactly what Councilman O'Malley has said. I have gotten every assurance from both our people in Planning and URA and from the people at Lemington Home that getting this audit is no problem whatsoever. If for no other reason, the \$50,000 that we're giving and the \$50,000 that the county is giving in no way are going to seriously address the situation there. And from a very practical standpoint, for them not to agree to have an audit would not be in their best interest.

I would ask Councilman O'Malley to at least give them an opportunity to address their immediate problem. We will have a monthly report and I can guarantee him that if they have to come back and his concerns are not addressed, I will be the first one to remind everyone that they have not met the requirements that we have put on them. But I think that from a very practical standpoint, they're going to address your concerns, Jim. I just ask that you allow them to get over this initial problem and I guarantee you that the rest of these things will be done.

The Chair:

Mr. Robinson, am I to assume that if the audit isn't performed we're not going to give them the \$50,000? The only requirement is that they have to submit to the audit?

Mr. Robinson:

No. The \$50,000 is going to be given to them to address some immediate concerns. In order for them to get additional help from the County, from the State and from the City, they must have this audit performed.

Mr. O'Malley:

The point is, everybody on this Council wants Lemington Home to succeed. My problem is that it has had some serious problems in the past and unless they correct those problems, everything that we're doing here is going to be futile.

The Chair:

Isn't the audit going to do this, Mr. O'Malley?

Mr. O'Malley:

That it will.

The Chair:

That's the purpose of the audit.

Mr. Stone:

The only problem is, it's like giving them a pint a blood for transfusion. If they don't get that one pint, don't worry about giving them anymore. They're dead. What they need is this thing now, they're overdue, to carry off the present needs of the people who are there and this overall thing. Everybody to my knowledge wants the audit. There's no question.

The only thing I'm saying now, so we completely understand it so it doesn't seem that what I'm saying is we don't want an audit, we definitely want an audit and an audit will be there. The

only thing is, I don't think you should condition this money which they needed two months ago on an audit which is going to come in the future. That's the only mechanics of it that I want to caution.

Mr. O'Malley:

I have no problems with that.

The Chair:

Excuse me. Are we putting that in the form of an amendment?

Mr. Robinson:

Mr. Stone, perhaps you can help me on this. From a procedural standpoint, I want to make sure that this Council agrees that these three conditions be met.

Mr. Stone:

Let's add it to the bill and have the Clerk send out a copy of that letter to the Board of Directors indicating that Council would like this kind of information in the future.

Mr. Robinson:

Okay. I will make a motion to that effect.

Mr. Woods seconded the motion.

Which motion prevailed.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken

agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Michelle Madoff presented

Bill No. 4210

Report of the Committee on Water for December 7, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4130

A Resolution entitled, "Resolution providing for a Contract or Contracts for the Purchase of an Air Compressor; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mrs. Masloff presented

Bill No. 4211

Report of the Committee on Parks and Recreation for December 7, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4131

A Resolution entitled, "Resolution providing for a Lease or Leases and/or License Agreements for the use of certain property for Senior Citizen Facilities in an amount not to exceed \$82,000.00."

Which was read.

Also,

Bill No. 4132

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various independent contractors and/or consultants to provide instruction and/or services in connection with the Pre-School, Community

Education, Leisure Activities for the Handicapped, and other Recreational Programs as needed, in the Department of Parks and Recreation, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 4133

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Parks and Recreation, on behalf of the City of Pittsburgh, to transfer its rights, title and interest, if any, to certain property in the 19th Ward of the City of Pittsburgh to the Housing Authority of the City of Pittsburgh. Deeds to be in Quit Claim form."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Flaherty presented

Bill No. 4212

Report of the Committee on Lands and Buildings for December 7, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4117

A Resolution entitled, "Resolution authorizing the Mayor and the Director of Lands and Buildings, on behalf of the City of Pittsburgh to lease to the American Wind Symphony, three hundred fifty (350) lineal feet of wharf frontage on the Allegheny River near the foot of the 6th Street Bridge, for a term of twenty five (25) years, subject to a ninety (90) day cancellation clause with year to year renewal provisions, at a rental of One Dollar (\$1.00) per year and providing for certain terms and conditions."

Which was read.

Also,

Bill No. 4118

A Resolution entitled, "Resolution authorizing the sale of property in the 4th Ward of the City of Pittsburgh, designated as Block 27-S, Lot 50 for the sum of \$1.00 to the Greek Community of Allegheny County, A/K/A/ St. Nicholas Greek Orthodox Cathedral."

Which was read.

Also,

Bill No. 4119

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly owned properties in various wards of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County Block and Lot Numbers mentioned therein."

Which was read.

Also,

Bill No. 4120

A Resolution entitled, "Resolution authorizing the transfer of property in the 21st Ward of the City of Pittsburgh, designated as Block 22-G, Lot 132, to the Urban Redevelopment Authority for the sum of \$1.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the

bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

Bill No. 4213 Communication from Mayor Richard S. Caliguiri, appointing Daryl H. Smith, effective January 1, 1984, be approved and confirmed as Director of the Department of Water.

Which was read, received and filed.

Also,

Bill No. 4214 Resolution that the appointment by the Mayor of Daryl H. Smith, effective January 1, 1984, be and the same is hereby approved and confirmed as Director of the Department of Water.

Which was read.

Mr. Stone moved for approval.

Mr. O'Malley seconded the motion.

Mr. Stone:

I'm prepared to approve them but the question is whether Council would want to hold that until we resolve the budget thing.

The Chair:

Does anybody have any objection to passing on that today?

Michelle Madoff:

Discussion. I have great objections. I think you have to take them separately. I just asked the Parliamentarian as to any ruling that he might know of and he talked with Mr.

Fein as to whether the Mayor has the authority to create a Department of Engineering and Construction without a public hearing and his information, to his knowledge, was that there is no such hearing required. So, that is a separate issue.

On the issue of appointing Mr. Daryl Smith as Director of the Department of Water, may I call your attention to the Home Rule Charter, the City of Pittsburgh Charter, which says, "Section 319 Legislation Requiring Prior Public Hearing, Section E. Creation of an authority or quasi public agency requires a public hearing." May I also take you down to "Section 320 A Citizen's Right To Be Heard, Item B. On any matter other than pending legislation providing they deliver a petition meeting all of the above requirements to the City Clerk, Council shall schedule the public hearing within a reasonable time after the petition is received by the City Clerk." We have a petition.

The Chair:

If I may, Michelle. You weren't here when I announced it. We're going to have a hearing on January 19th in regards to the Water Authority.

Michelle Madoff:

I am aware of that.

The Chair:

In regards to the appointment of Daryl Smith, he's being appointed to a standing department.

Michelle Madoff:

I wish to discuss that if you will bear with me and indulge me just a moment. I think that it is a terrible thing to put Mr. Daryl Smith's job on the

line when indeed it's conceivable that the Water Department may not be an entity. How can we be asked, in good faith, how can we be railroaded or run over or whatever you want to say, and as to appoint somebody the head of a department with the understanding that a Water Authority is going to be created where Mr. Cosentino would therefore be heading the Water Department. It's an assumption. How can we be asked to vote on an assumption?

That brings us to another item, if I may finish. As you know, we go through the budget and presumably I like to think that even though some of us like myself stick our noses into other departments because we are interested in other issues, at least we know our own departments. I had a very eerie experience. Sitting at that table which is, I'm going to guess, about 12 feet long and 4 feet wide, in the middle of the table I had Mr. Cosentino, the Director of the Water Department, and at the end of the table I had Mr. Daryl Smith, the supposedly, what-if-he-is-appointed Director of the Water Department, and I had to ask my questions and I felt my head like a ping-pong ball because we were having a mirage discussion on what-ifs. How can I address what if it happens and Mr. Stone, Finance Chairman, stated, "Well, if it is, we have to be prepared." And the Mayor, I presume, is putting this into the agenda, the budget agenda, on the basis of what if.

I think that is highly presumptuous to bypass this Council. I hope the people watching are learning from this, that we have a very strong Mayor system and a very weak Council system. When many of us are out on the street and are accosted by the constituents and are told why don't you do something, I want them to understand how the game is played.

The Chair:

Michelle, it's really no different than the URA, the Housing Authority or the Alcosan Authority where you have Board and they make most of the decisions, but you also have a Director in the URA and Housing. You have an Executive Director for Alcosan.

Michelle Madoff:

But there is no Board, Sir. There is no Water Authority.

The Chair:

This is the function that Daryl Smith will carry out. He'll be the Director.

Michelle Madoff:

Are we firing Mr. Cosentino?

The Chair:

No, they made him Chairman of --

Michelle Madoff:

Then how can you have two directors of the same department?

The Chair:

He's Director of the Water Authority.

Michelle Madoff:

No, Mr. Cosentino is Director of the Water Authority.

The Chair:

You have directors serving on all of these Boards but they're not paid. This will be one Board where the man will be paid. How you get around it, I

don't know. But at the same time, you don't eliminate the Water Department because you have an Authority.

Michelle Madoff:

But how can you appoint Mr. Daryl Smith to head the Water Department when Mr. Cosentino is head of the Water Department and when the Home Rule Charter clearly states that with the understanding that Mr. Cosentino will be going on to a Water Authority which the Mayor announced to us out of the blue and which I completely was so taken back that I spoke out of turn.

Mr. Flaherty:

Mr. President, I agree with what Councilwoman Michelle Madoff has said. In fact, I would even care to expand upon that. It seems that if we are also going to create a new department of engineering and construction, it would seem to me that that would also fall under the guideline of requiring a public hearing because we are talking about the increase in costs, we are talking about, for example, adding another director to the current number of directors. I feel that if we could have an opinion from the Solicitor's Office as to if we also would have to have a public hearing on that issue.

I think it's also important that Council not put the carriage in front of the horse. As Michelle Madoff has said, there has not been the creation of a water authority and though I think there's probably indication that this Council will approve a water authority, it has not yet. I think that we should owe more to Director Cosentino than to put him out on a leave of absence. As Ms. Madoff said, we cannot have two Directors of the Water Department in the interim.

So, I can't see any pressing reason why Council would have to act on these two appointments until Council has had the public hearing and has weighed the merits as to if we should have a water authority or not. If we do act on this, we are just putting more pressure on ourselves and infringing upon our own right to make as objective a decision as possible. It's going to be pretty hard to make an objective decision when we have already shifted around the heads of the various departments and we have one director out in limbo whose livelihood will depend upon the creation of a water authority.

Michelle Madoff:

Mr. President, may I finish my thought.

Mr. Stone:

Call the question.

The Chair:

If I may, the question has been called for. There was a motion to approve —

Michelle Madoff:

Excuse me, I'm not finished. I have an important item relating to this issue. I think there's something you ought to know, Mr. President.

You do know that the Mayor said — and I spoke to him; I think the reporters wondered what we were doing huddling in the corner — I will tell you that one of the things that was said was that Mr. Cosentino is already busy working on establishing the Water Authority. Mr. Dave Matter, in his rebuttal to my request to have somebody come here before Council because I was concerned about the bond issue, informed

me that we had already, in my meeting with him, passed on a water authority, had agreed to it. Mr. Perry, I asked you to draw from the records the minutes when this Council voted not to go for a water authority but to just see what we should be doing with the antiquated lines. Is that correct, sir? For the record, would you say that?

Mr. Perry:

That's correct.

Michelle Madoff:

So, when Mr. Matter said to me, rudely and then tells the reporters a lot of nonsense like what page my salary is on and that I didn't know that page — I think that's a credit to me that that's not my first concern — and makes it a personal vendetta instead of addressing the issue of the Water Authority and the issue of the Bond Council. It is a fact, Mr. President, that as we sit here this moment, Mr. Cosentino is already organizing a water authority for which we have not voted, and he's being paid for it. So, if Mr. Stone wishes to say let's hold this, I want everybody to know they're both being paid to do two different jobs for which we didn't vote on and which we voted against until we came up with that vote, until we decided if there should be a water authority and some of the concerns were patronage and featherbedding and bureaucracy.

The Chair:

Mr. Stone, do you care to change your motion?

Mr. Stone:

Call the question.

The Chair:

Mr. Stone does not change his motion. He calls for a vote individually first on the Water Department and Mr. Daryl Smith. Roll call vote.

Mr. Flaherty:

I am opposed for the time being due to what I had said earlier and I also feel that this Council should do everything it can, especially when there is not a valid reason for doing otherwise. It should do everything it can to protect its prerogative and to keep its respect on these matters.

Mr. Givens:

I have to vote no at this time and I have the same sentiment and feelings as the other two colleagues here that so expressed for the mere reason that we're putting the cart before the horse and to do that I think we're prejudging as to what this Council wants because the Water Authority has to be created and when that is created then there's an opening in the Water Department. To put someone in the Water Department before that other authority is created, I can't see how we can do it without these public hearings that are so necessary so that we do have public input. It has to be the concern of the public. If we go the authority route and when that public hearing comes up as to who is going to raise their water rates, it's not going to be this Council; it's going to be the Water Authority.

Michelle Madoff:

I'm voting no and may I add that we are to have a study the first week in December — maybe the reporters get it, they usually get it before Council does — what the study said and what the rates would be increasing water rates to the

consumer. My understanding, I've heard from three different sources now, from the Director, the people working in the Water Department, that the rates are going to be doubled. I've heard from someone else, from the Mayor, he thinks it will be up twenty percent only in the last eight months of the year. And then I heard from somewhere else that in the first of the year we won't touch them at all because we want to sort of sneak this into the public and once we've got it, as you said Councilman Givens, once it's a private authority they can do what they want with it.

More important, we are the elected officials, we have not seen that study, and I think it is not proper to have our Mayor tell the public there will be no increase in taxes when indeed there may very well be one with the cost of increase in water. I think we ought to know the facts before we vote. All I'm asking for is what the Home Rule Charter calls for and the facts before we appoint someone to the job. I further ask that we do not pay double salaries. You cannot pay Mr. Smith for being head of the Water Department and Lands and Buildings and you cannot pay Mr. Cosentino to be head of a Water Authority which is not created yet, not approved by this Council and head of the Water Department.

Mr. O'Malley:

I vote aye because I think it's the Mayor's prerogative to appoint his own department heads.

Mr. Robinson:

In light of the President indicating that we're going to have a hearing on January 19, 1984 concerning the Water Authority, it seems to me it would be kind of premature to jeopardize either of the two gentlemen in question. I have no

objection to either Mr. Cosentino being the head of the Water Authority, if that is the final decision. And certainly I have no objection to Mr. Smith moving over from Lands and Buildings to Water. I am concerned that both of the valuable individuals be allowed to stay on the City payroll until we do resolved the issue about a Water Authority. I think that is not only fair but I think it's the proper thing to do to provide for the continuity of services.

Having those reservations and anticipating that at the public hearing Council will not only be better informed but by that time we will have had an opportunity to review the appropriate documents, I'm going to have to vote no at this point.

The Chair:

Excuse me, before there's any further voting, I had a conversation with the Mayor this morning and I share the same concern with other Councilpeople in regards to somebody losing a couple of weeks' or months' pay. He assures me that neither of the parties will lose any pay until this issue is finally resolved.

Mr. Woods:

I vote aye for the same reason Councilman O'Malley voted aye. I believe it's up to the Mayor to appoint his directors. We are not here talking about the Water Authority at all. We are talking about the Water Department and we're talking about the Engineering Department. On this particular vote, the Water Department, I vote aye.

The Chair:

Apparently I have the deciding vote again. I stated earlier what the Mayor had told me earlier in the day. It satisfied me and I'm willing to vote aye

for Mr. Smith.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mrs. Masloff
Mr. O'Malley
Mr. Stone

Mr. Woods
Mr. DePasquale
(Pres't)

AYES 5

NOES 4

VOTING NO:

Mr. Flaherty
Mr. Givens

Michelle Madoff
Mr. Robinson

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 4215 Communication from Mayor Richard S. Caliguiri, appointing Paul J. McDermott, effective January 1, 1984, be approved and confirmed as Director of the Department of Engineering and Construction.

Which was read, received and filed.

Also,

Bill No. 4216 Resolution that the appointment by the Mayor of Paul J. McDermott, effective January 1, 1984, be and the same is hereby approved and confirmed as Director of the Department of Engineering and Construction.

Which was read.

Mr. Stone

Mr. O'Malley seconded the motion.

Mr. Flaherty:

Could we have the opinion that I had requested earlier from the Solicitor's Office as to if we need a public hearing and Council's approval to create a new department?

Mr. Stone:

No, we've done that many times, Tom.

Mr. Flaherty:

We have?

Mr. Stone:

Sure. We created the Housing Department. You can't create another authority but you can create another department.

Mr. Woods:

That's what Michelle Madoff just read a few minutes back from the Home Rule Charter. You have to have a hearing if you're creating another authority but not a department.

Mr. Flaherty:

So Council had no input when we did create the Housing Department?

Mr. Stone:

They have a right to set a committee then when we vote on the budget we're approving that structure.

Mr. Woods:

That's what happened when Paul

Brophy took over the Housing Department in the City.

Mr. Stone:

Before Brophy we had a Housing Department of the City of Pittsburgh. The feeling came out of Council input.

The Chair:

If I remember the discussion, Tom, I got involved in that very thing because we were told that there wouldn't be two pays; there would only be the one. Then they said that Mr. Brophy was coming on at thirty-five a year or whatever. I questioned the fact that we were paying Danny Pietragallo and Mr. Brophy was coming aboard and actually doing the same job and he was going to be paid also. But we had no hearing as far as the department being formed.

Mr. Givens:

Mr. President, I think we're getting ourselves into a legal situation here, at least on Paul McDermott's situation. I'm for an engineering section within the City of Pittsburgh. I think we went several different ways on this. But for us to approve somebody, this Council as a body hasn't approved that particular department.

The Chair:

We have no choice, Mr. Givens. We have the right to either approve or disapprove of the Director. As far as forming a department, it's the Mayor's prerogative. Council then has the prerogative of including it in the budget or not.

Mr. Givens:

Jeep, this Council hasn't voted on that particular department. We have not

created that department. How can we vote on someone to run that department until we vote on it?

The Chair:

Because we don't create departments.

Mr. Stone:

Mr. President, we are voting on people for the 1984 budget. Until they're sworn in, they're not taking that job. The Mayor has the potential of backup. If we don't go to the Water Authority, there would have to be an opening in the budget for that particular purpose to revert back. It's not a big deal; it's a question of whether you want it or you don't.

Mr. Givens:

I think this Council is going to deliberate and make a final vote on the budget as we see it today. I think there's ample time after that particular final vote on Council, and even at that particular session, I think we could take up this matter at that particular time. We're saying yes, we're going to create it, and yet have all the arguments been made. As I have indicated, I am for the engineering department but I can't see how we can vote on it before this Council approves it. If you want to bring that matter up right now and put it on the floor for approval, fine. But I think that until we do that as a body, I personally cannot see how we can vote on it. I ask for a legal opinion from our Solicitor as to can we vote on something that is not created.

The Chair:

He's already given it.

Mr. Givens:

Personally I don't think we can do it. I don't think he has the answer. He is our Parliamentarian. I ask the Chief Clerk then to get a letter to us and I want it answered, Mike, regardless of how this vote goes.

The Chair:

Parliamentarian, would you come to the microphone, please.

Parliamentarian:

The question was raised whether or not, in the creation of a department, you need a public hearing. It is the Deputy Solicitor's opinion that you do not. That's the question that was addressed to Mrs. Madoff.

Michelle Madoff:

That's correct.

The Chair:

On the vote.

Mr. Flaherty:

I give it a half-hearted yes.

The Chair:

Mr. Flaherty changes his vote to yes.

Mr. Givens:

On the point of our Parliamentarian who is acting on behalf of the Solicitor, I vote aye and I would still like that opinion in writing.

Michelle Madoff:

Before I vote I would like to share

with Council that I am very disappointed that the Administration did not share with this Council that indeed this was the direction that they would be going in the year '84. The budget was given to the printer without this information in it and two days before the budget was printed it was changed so that no one could get wind of it, including the media. I'm disappointed that three years ago this same concept was tried and didn't work. I'm also disappointed in speaking to department heads who were not notified that their people were going to be removed and put into this special department and who are really in more of a bind than we are. We three or four go down to defeat on a vote which is morally and ethically correct because we're outnumbered by sheer numbers; we don't have a fiscal advisor. But the department heads are really not elected; they're hired help. They have to smile and stand up and applaud even though they may personally feel that it is not the right way. I've heard a number of directors and I tell the reporters now that I am not going to share their names, divulge the sources, but they are very concerned that they are losing control over their particular engineers. However, I do know Mr. Paul McDermott personally and if they Mayor does, as we've heard from the Law Department, have the authority to create this department. I was one of the people influential in bringing him to the City; he worked for Kimball. He is a very competent person in his field and since we're just outnumbered and if we're going to have it, then I will vote for Mr. McDermott. I vote aye.

Mr. Robinson:

I'd just like to make three quick comments. I do think it is unfortunate that the Administration decided to make some major changes and did not feel it important enough to let Council know in

advance so that we could share in what is obviously an important decision and one that I think affects all the departments that we have some responsibility for. The didn't, and that is the past. But Council also has a responsibility. Once we became aware of the major changes that the Administration was going to make and certainly the Mayor did sit down with all members of Council to inform us, we should have raised our serious concerns at that point and we should have insisted that another process be utilized. I don't think we forget the fact that the budget for the City of Pittsburgh is passed by this Council, not by the Administration. If we decide that a department should not be in the budget, we certainly have the legal authority to see that it's not there. But in the spirit of cooperation, budget time is one time when we should be working together particularly on a matter as important as this and particularly around the area of procedure. I think this situation creates a very bad precedent for the manner in which we reorganize government and while I respect the Mayor's prerogative to hire those people he thinks he needs and suggests those departments that he thinks will best carry out his mandate from the people, I think that we need to establish some procedures between Council and the Administration so that at least we can be moving in the same direction even though we might be moving at different paces.

I have no problems per se with Mr. McDermott. I have no way of knowing whether or not his heading up that department is going to help or hinder the City. I would think his professional credentials suggest that he is perhaps one of the most qualified people to do that job. In that regard, I am willing to give him an opportunity to do the job so I will vote aye for Mr. McDermott.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Also,

Bill No. 4217 Resolution re-appointing Mr. James Bulls of 3461 Delaware Avenue, Pittsburgh, PA 15214, as a member of the Allegheny County Sanitary Authority for a term to expire on December 31, 1987.

Which was read.

Mr. Woods moved to approve the motion.

Mrs. Masloff seconded the motion.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the motion was approved.

The Chair:

I might add that Mr. Bulls has served on that Board very admirably for six years. He's been a great asset to the Board and it's a pleasure to have him back.

Michelle Madoff:

Correction. Five and a half. I tried to get the job at the time.

Mr. Flaherty and Michelle Madoff present:

Bill No. 4218 WHEREAS, The City of Pittsburgh in the year 1980 increased it's note indebtedness by the amount of \$15,750,000.00; in the year 1981 the City of Pittsburgh increased it's bonded indebtedness by the amount of \$70,000,000.00; in the year 1982 the City of Pittsburgh increased it's bonded indebtedness by the amount of \$59,000,000.00, and in the year of 1983 the City of Pittsburgh increased it's bonded indebtedness by the amount of \$53,000,000.00; and

WHEREAS, it is a generally accepted practice in each increase of bonded indebtedness to include a statement or opinion by a learned counsel that all applicable Pennsylvania State Statutes and City of Pittsburgh

City ordinances are being complied with;
and

WHEREAS, such learned counsel has traditionally been compensated by a percentage amount of the increase in bonded indebtedness that is, the higher the amount the City of Pittsburgh incurs in bonded indebtedness, the higher the compensation for such learned counsel; and

WHEREAS, such learned counsel in the past has been selected solely at the discretion of the Mayor.

NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Pittsburgh that it be the will of the Council that the Mayor, the Council of the City of Pittsburgh, and the City Controller each appoint an individual to a special commission to independently review the factors and the criteria that are used to select learned counsel for all future bond sales. In no event will the City increase its bonded indebtedness prior to the Report of the Special Commission. Further, the Special Commission is to advertise for and hold public hearings where the public hearings where the public will be invited to attend.

Mr. Flaherty moved to adopt the resolution.

Michelle Madoff seconded the motion.

Mr. Givens:

Discussion. Tom, the Council of the City of Pittsburgh has requirements for public hearing and bonded indebtedness. You're saying by your resolution here that there will be a special commission that will advertise for and hold public hearings. That is not in lieu of Council's public hearings?

Mr. Flaherty:

No.

Mr. Givens:

Okay. So, they will be reporting us like that of the, for example, Cable Advisory Commission.

Mr. Flaherty:

Exactly. Yes.

Mr. Givens:

They will submit a report to us?

Mr. Flaherty:

Yes. Hopefully the Commission will submit the guidelines that will be utilized for the selection of bond counsel or any other determining factors.

Mr. Givens:

Have you had a legal opinion on this? The Mayor before this was always, as a strong form of government, the person to pick this bond counsel.

Mr. Flaherty:

This is just the resolve of Council. It seems to me that we are simply making a suggestion to the Mayor and if he should agree then I suppose we could establish the Commission.

Michelle Madoff:

I would like permission to ask a question of the Finance Chairman. Mr. Stone, when we, the City, go out for a bond, is it a negotiable bond or is it bid?

Mr. Stone:

It's out on bid. You're selling

bonds; it's out on bid. Notes have been negotiated —

Michelle Madoff:

Slow down; I'm sorry. What is negotiated?

Mr. Stone:

Some bond indebtedness. That's a part of the problem with this thing.

Michelle Madoff:

I didn't finish my question. You're telling me that when we say we're going out on a \$70 million bond it goes out to all the bonding houses, everybody bids —

Mr. Stone:

It goes out to everybody. Yes. They all pay the same price.

Michelle Madoff:

No, that's not what I'm asking. Perhaps I'm not clear. My understanding, for example, is that Duquesne Light has gone out on a bond and instead of negotiating the bond, they've come in when they're ready to go out on the bond so that they don't have to do it early on, negotiating the price, have been able to go out and just have a competitive bid, who came in with the lowest price, and have saved millions of dollars and I have the gentleman available from that company willing to help us. The impression he left me with is that we negotiate; we do not go out on competitive bidding.

Mr. Stone:

All of the City bonds are on public sale.

Michelle Madoff:

Are they competitively bid? The company that gets it, the primary company, are they competitively bid?

Mr. Stone:

We have X number of dollars we want to borrow and you take all the Administrative costs and add it to it. It comes out to the total bond indebtedness to which you now go out and sell bonds to cover that amount. Anybody who wants to buy them can buy them.

Michelle Madoff:

I think I'm phrasing the question incorrectly. Supposing, for the sake of argument — and I'm just going to take a name out of a hat and the first one that comes to mind is Parker Hunter — and we sit down with Parker Hunter and we negotiate what rate. Do we sit down and negotiate with Babitt and Meyers? Or does it go to, I can't think of the other bonding houses, and say who is going to give us the lowest rate? Or is it negotiated and then goes out for bid? I'm a little confused on that.

Mr. Stone:

You're out in that market trying to get the lowest possible price you can for your bonds that are salable. You find out again, like I told you, what amount you're going to borrow, what your debt service is, what your administrative costs are. Then you go out in the market and sell those bonds at the best rate you can possibly get.

Michelle Madoff:

So then it is competitively bid?

Mr. Flaherty:

The bond counsel —

Michelle Madoff:

That's what I wondered. If the bond counsel and the underwriters are competitively bid. I want to know if this is all competitively bid. And is the bond itself competitively bid?

Mr. Flaherty:

The bond counsel is not competitively bid. It is strictly up to the discretion of the Mayor.

Michelle Madoff:

I just want to know if it is competitively bid —

Mr. Flaherty:

And what I am saying — Well, perhaps that is an area that the special commission could explore, as far as having the competitive process instilled into the selection of the bond counsel. I think it's imperative to point out, for example, in the resolution I referred to the four recent issues that have been monopolized by one firm. I think that the City should certainly explore the avenues of perhaps instilling some competition into the area of bond counsel. I think often times with competition comes cost efficiency. So, in regard to what you have said, Michelle, I think that that would certainly be within the realm of the Commission.

Michelle Madoff:

Mr. President, my concern, and the question I was asking Mr. Stone, is that this gentleman who is in the bonding business out of Reed Smith just happened

to be talking about Duquesne Light and pointed out to me that the first time they've ever done it this way was competitively and they saved millions of dollars. So, I'm really not sure whether ours is competitive bidding and whether, in the same sense, it may be competitive bidding in another sense. That's one area that I have not tried to educate myself as yet because I was not aware of it and I will try to look into it further. I'll probably speak to Mr. Schmeiser today and to other people to see if indeed our bonds are competitively bid, not negotiated.

Mr. Flaherty:

I was also going to add that it is not ever deemed as being healthy when you have a monopoly on anything. So, I think that this is certainly an area that should be researched. I think it's important to see what other cities are doing in the issue of awarding the bond counsel and perhaps it is an area that is in need of reform.

Michelle Madoff:

This leads us, Mr. President, to the issue that when we do go to vote on a bond, this Council is at a tremendous disadvantage. While we have superb accountants like Mr. Buckley and bookkeeping people who are assisting him, we do not have, in their own words, a fiscal advisor. We came very close last year on a 4-5 vote; we lost by one. Hopefully that can be corrected in the coming year. Mike, will you get that bill ready again so that sometime next year we'll reintroduce the same bill again. Only this time we'll give you our legal statement on it and our brief. Maybe the brief might help sway some open minds.

Mr. Stone:

Mr. President, a couple of

comments if I may. Paragraph one is deceptively deceiving in the sense that we didn't go out and increase the total indebtedness by those sums of monies because each one of those bond issues in the wisdom of the market and in the wisdom of the Mayor and his advisors, in fairness to him, borrowed those monies at a time where the rate was better in order to cover as well some of the short term indebtedness which we had and had to pay. In none of those instances where they've listed there where they had total, with the exception of the first one, was it increased by that sum in that year, the indebtedness of the City of Pittsburgh. All of those were consolidations, some payoffs, some readjustments, kind of refinancing. In no instance did we have the total sum of monies that are involved there.

Secondly, the resolution attempts to thwart and restrict the Mayor's powers. It's a violation of the Charter as it is right now and any Charter change, even if you had it, would have to be done according to the prescribed amendment and then as well it may even be questionable under Act 62. But at any rate, this is a late effort and at this particular point I cannot see me voting for it. As far as our bond issue is concerned, you may not like it but they've been pretty good under the circumstances compared to anything that's around this country.

Mr. Robinson:

Mr. President, if I might. I think the spirit of Councilman Flaherty's resolution is very positive. I think when we look at the potential for the future fiscal help of this City it is very wise to proceed on the assumption that no one person has all the answers or that no one group of experts can give us everything we need. On the other hand, I do think that we do have to be very careful that

we do not restrict the ability of the Mayor to select those persons whose advice he feels confident in. And to that regard, I think we need to give some serious thought to continuing to allow the Mayor to have some prerogative in the area of selecting his own bond counsel; I whole-heartedly believe he ought to be able to do that. But also I think that it is important that the concept of a special commission not be taken lightly and that we understand that the resolution before us is not legislation but certainly carries with it an important tone because this Council is discussing it and is going to have to vote on it and that vote is going to be so recorded. Perhaps this Commission or some special commission can serve in some advisory capacity to indeed not only advise the Administration but advise this Council. There's no doubt in my mind that this Council probably needs to become a little more familiar with municipal financing for the benefit of the City. I am sure that the Administration, led by the Mayor, would agree with that, that we must, together, look to the fiscal health of the City.

I would be remiss if I did not indicate that I think our incoming Controller will and should have a significant role in where this City is going from a fiscal standpoint and I sort of feel that Councilman Flaherty's resolution suggests that he would like to have some positive input into that process and I think it's input that the Charter would support whole-heartedly. But I do think that the spirit of the resolution is such that we ought to take advantage of the opportunity to explore municipal finance in this City to the extent that this Council perhaps becomes a bit more involved and that we begin to seriously look at some financing options that perhaps we haven't looked at in the past.

Mr. Flaherty:

Mr. President, I accept Councilman Stone's criticisms in the first paragraph but regardless they do not have anything directly to do with the intent of the resolution. The intent of the resolution is in regard to the selection of bond counsel for the City. This resolution, in regard to what Councilmembers Stone and Robinson addressed in response, this resolution is inherently just an advisory resolution. We are asking the Mayor to consider the possibility of studying the issue. It's entirely up to the Mayor. The Mayor can ignore this; the Mayor can respond in any fashion that he cares to. So, I do not see it where Council is encroaching upon the powers of the Mayor. It is up to the Mayor to decide if Council will be encroaching upon the powers of the Mayor's Office.

Mr. Woods:

Call the question.

The Chair:

Question called for. Roll call vote.

Mr. Flaherty:

I would hope that all members of Council would support the resolution for the reasons that I said earlier; also because this is a city of thousands of lawfirms. I think it should certainly be the intent of the government to spread the opportunity for all. I think that when we keep in mind that one firm has received all of the bond counsel in the 1980's for this City, I think it's imperative for the reasons of cost efficiency and for inherent fairness that the City perhaps explore alternative ways of awarding bond counsel.

Mr. Givens:

If I can go back over my last eight years in this Council, there's been I think only two bond counsels; they shifted when the Mayor had come in. I've probably been the most outspoken person when it comes down to bond indebtedness, when we buy or when we sell, as they say, when we sell the bonds. I don't think it has anything to do with the bond counsel itself. I think they get a fair return for the efforts that they put into it. I've been pleased with what prices they've been able to get at the time that the City went out and sold the bonds.

So, I don't think that's our problem. I think our problem is inherent internally that when the City Administration goes out to sell those particular bonds at a time when the bond market is extremely high.

Tom, I like your idea; it is advisory in nature. However, I feel that it is infringing upon both that of the Mayor and that of Council. We can't sit here and we're asking for people who are learned in this particular area. We're going to get possibly three learned bonds people out there, each one of them are going to be looking at their own company and supporting what they feel possibly is their own concerns. As a result, I can't see where we're going to learn from that. I think it's the wisdom of this Council to decide how much bond fund money we need and when we need it and the appropriate time to go out. We approve the bond fund in December. When the Administration goes out in August and November of the next year, sometimes I wonder why they go out at the times they go out. I don't think we're going to, at this particular time, get the type of advice from this particular commission that is going to give me the decision making efforts that I must make

and that is, how much bonds do we need and when do we need to go out there and buy those bonds.

So, for that reason and the fact that I just received this about an hour ago, I'm going to abstain on this particular vote.

Michelle Madoff:

I must say that this bill arrived, and we couldn't find out who had sponsored it and perusing the bill very quickly, I thought it addressed, for example, the \$70 million that our good Finance Chairman neglected to mention went out at probably the highest bond rate the City has ever paid. What I was concerned with is the information that I have that perhaps we can bid the bonds at a lower rate. I wasn't so much concerned with the bond counsel simply because there are very few with expertise in the field who do bond counseling. I don't think that that is the big issue. The thing that I'm more concerned about is the fact that the City has an \$800 million debt, we're going to a Water Authority, we're really virtually bankrupt, and how we issue our bonds when we issue them and issue them so that they get put in the bank drawing interest, even though it legal arbitrage, to balance our budget. I had looked at it from a different angle; I wasn't looking at it from the same angle you were and I would like to see another bill addressing the more serious aspect. I'm going to abstain on this one.

Mr. Stone:

I vote no for the following reasons. Anyone who knows the business knows that the debt is set by the Administration, not bond counsel. They only borrow what they need to carry out their capital improvements.

Secondly, to go out and bid bond counsel would border on asininity.

Thirdly, relative to the present bond counsel that we have, he is eminently qualified, he is not a political person; he is eminently qualified. That particular individual was our bond counsel when he was by himself. He was bond counsel when he was in a firm with his brother, I think, and that he's still the bond counsel with the new firm that he's now a part of. That's Ralph Lynch. I know of no lawyer in the City of Pittsburgh who knows the City of Pittsburgh's bond market and bond indebtedness and bond issues as does Ralph Lynch who has been handling our bond sales. He is eminently qualified.

The Chair:

My vote is immaterial but I honestly feel, and I've felt this way all along, that there's no problem in having a watchdog and if you have the President of Council or the Council as a whole and the Controller along with the City, I don't like the idea of putting it out to bid but I think three heads are better than one. Obviously I can't see any problem so I'll vote aye.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Robinson

Mr. DePasquale
(Pres't)

AYES 3

NOES 3

(MRS. MASLOFF, MR. STONE AND MR. WOODS VOTING NO)

(MR. GIVENS AND MICHELLE MADOFF ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Michelle Madoff:

For the record, Mr. President. Mr. Ralph Lynch was probably one of the most knowledgeable. I have to agree with Mr. Stone.

Mr. Stone moved to approve the minutes of Monday, November 21, 1983 and Monday, November 28, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

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Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Monday, December 19, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Malley:

I'd like to have at this time, Al Sparty, Marge O'Brien and Mike Lawrence. These are representatives from Dravo Corporation, the Grand

Concourse and Pittsburgh Solidarity for Labor. What we're doing today, is we're asking them here, we're going to put up some resolutions, and I'd like to read the first resolution.

Mr. O'Malley presents

Bill No. 4231 WHEREAS, the employee's of Dravo Corporation are currently on strike; and

WHEREAS, negotiations have presently reached an impasse; and

WHEREAS, the employee's of Dravo have served the company with loyalty and dedication and are largely responsible for the companies prosperity.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh strongly urge that the management of Dravo Corporation bargain in good faith with the worker's so as to avert any potential conflicts between the worker's and management in the future.

Mr. O'Malley moved to adopt the resolution.

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. O'Malley:

Michelle, before you comment, I'd like to introduce one more resolution. I realize some my colleagues in the past

have offered up resolutions supporting The Grand Concourse, and I'd like to have them say a few words to us, as soon as I'm finished.

Mr. O'Malley presents

Bill No. 4237 WHEREAS, the Station Square Development is important to the City of Pittsburgh; and

WHEREAS, the City of Pittsburgh has invested substantial effort, money, and other resources toward the success of the Station Square Project; and

WHEREAS, the Grand Concourse Restaurant is a big attraction within Station Square; and

WHEREAS, a majority of the employee's of the Grand Concourse Restaurant have elected to be represented by a union for purposes of collective bargaining; and

WHEREAS, the Employer and the Union have negotiated for a long period of time without successfully concluding a collective bargaining agreement; and

WHEREAS, the Grand Concourse employee's have been on strike for many months now.

NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of Pittsburgh strongly urge that the management of the Grand Concourse Restaurant make a good faith effort to negotiate with their striking employees.

Mr. O'Malley moved to adopt the resolution.

Mr. Givens seconded the motion.

Which motion prevailed.

Michelle Madoff:

Good bill, Councilman O'Malley. I'm congratulating Councilman O'Malley.

Mr. O'Malley:

Thank you; thank you.

Ms. O'Brien:

I'd just like to say a few words relative to our strike. I don't know if you're familiar with what has happened in the past, but we were certified as a Local in 1981. That means that now we are beyond two years without a contract.

To say that we have been modest is to be modest, because we have been ultra-reasonable in our demands on this first contract. We have repeatedly shaved our demands, time after time in negotiations. It became very apparent that we were not dealing with a man, and I'll name him, Charles Muer of the Muer Corporation in Detroit.

We were not dealing with a man whose intent was to negotiate with his labor force here in Pittsburgh. We view this as a labor-busting tactic. It's evident and it was evident a long time ago that this man from Detroit — his intent was to break the union. It never was to sit down and to bargain with responsibility.

In the past six months there have been four incidences that the National Labor Relations Board has found cause to issue complaints. They are mostly with unfair labor practice relative to the Section 7 rights of employees. He has repeatedly threatened employees; threatened to fire them, etc. He has always wanted to deny us our right to engage in union activity; to choose a representative in the work place, etc., as regards to the Section 7 rights.

Now, I think this man has done enough here in Pittsburgh. In the heartland of labor and in the third largest corporate headquarters in the United States, this man has set us back 100 years in labor management relations. The only thing missing is maybe the company goons with clubs, but the scenario is still the same. His intent was to break our morale, to intimidate us, and to eventually break this local; and I think that we are significant in that we represent the service industry that we are constantly being told is going to be the thrust of labor in the 1980's. We're going from industrial to a service industry, and we represent the service industry.

All we asked in the beginning was the right to be represented. As I have said, the contract was modest. I'll be happy to furnish Council with a copy of the contract, or any of the contracts, as they went along in the two years past. I'll be happy to furnish you with any information relative to this strike.

Our resolve is the same that is always was. We want to be represented. It is our right, and our resolve is as strong as his, if not stronger. He forgot one thing when he started to break this strike, or use these tactics, and that was that we are Pittsburghers; and I think this strike also is very significant in that it is occurring in Station Square, this beautiful complex. He is invited to open a business here; he has made millions, virtually millions of dollars in Station Square; and he was invited to a stunning building, and there is not a visitor that comes to Pittsburgh that does not touch base at Station Square and the Grand Concourse.

I'm a waitress and I can tell you that I've waited on people from virtually all over the world; and this strike is

becoming bitter, and giving the City a black-eye, and I think that your interest should now be accentuated and we should at least have some sort of intervention by the Council relative to our strike. We'd like to settle it; we want to go back to go work. Those people who chose to work are hurting probably worse than we are. I think that their choice to work maybe was the wrong one, and they now have seen that the company is lying to them, has threatened them. The entire complex has been hurt by this strike.

My purpose here is to ask your intervention in this terrible dispute. We want is settled. We want to go back to work and we want to work with this company to make this a good restaurant in a beautiful City.

Michelle Madoff:

I forgot your name, I'm sorry?

Ms. O'Brien:

Marjorie O'Brien.

Michelle Madoff:

Margie, I just want to share with you — you may call be Michelle, if I may call you Margie. I got a call from Lefty Scamasi — how many months ago? The strike was on maybe about three, four weeks — first of all, I got a call from Harry Guenther, and the message was, you cannot have your Sunday brunch, which I have almost every Sunday with my friends at the Grand Concourse. It's my favorite place on Sunday. I have not had brunch there since the strike started.

Ms. O'Brien:

Thank you. I've waited on you.

Michelle Madoff:

Lefty Scamasi called and asked whether I would do something, and I went down to find what the facts were for myself. I talked to the people picketing. I went in and talked to, I think a man by the name of Garcia.

Ms. O'Brien:

Yes.

Michelle Madoff:

Is that the labor negotiator?

Ms. O'Brien:

He's the Director of Operations.

Michelle Madoff:

Yes, but he's the one who they put in as their front man here, am I correct?

Ms. O'Brien:

Yes.

Michelle Madoff:

He's the one that spoke with me. He was the only who could do it. He does not live here; he's in and out of here.

Ms. O'Brien:

No, he's a Michigan resident.

Michelle Madoff:

Right, we talked and essentially, correct me if I'm wrong, there was a vote taken initially that you've won. You won the vote and they wanted to ignore the vote that you've won. Now, am I correct there were more people who wanted to go out on strike, or to — it

wasn't to go out and strike; the issue was to have a union, to be a union shop.

Ms. O'Brien:

That was the representation election.

Michelle Madoff:

The vote was a majority to be a union shop and they did not honor your vote; is that correct?

Ms. O'Brien:

I don't think that was put to a vote.

Michelle Madoff:

It was a vote and you won it, because I went back and checked it.

Ms. O'Brien:

Are you talking about the representation election, the certification in 1981?

Michelle Madoff:

Right, and they wanted an open shop instead.

Ms. O'Brien:

Yes, in the beginning we initially wanted a union shop and then we—

Michelle Madoff:

And they wanted an open shop, but you had won on the issue initially; it was a close vote, but you had won on having a union shop?

Ms. O'Brien:

No, no ma'am. We went from a

union shop, a closed shop is illegal, you can't have that— went from a union shop to a modified union shop, which would allow all the present employees to be union members—

Michelle Madoff:

But not new ones coming in.

Ms. O'Brien:

—to be a member or not to choose and for all new hires to become union members.

Michelle Madoff:

You didn't bend over backwards beyond the point of having a— you're willing to be flexible.

Ms. O'Brien:

Yes, we moderated each time we were in negotiations every time, and we even proposed an agency shop. We proposed anything that seemed to us workable, and we were met with this wall.

Michelle Madoff:

Let me tell you what I was met with. It might be some help to you, I don't know. I spoke to Mr. Garcia and told Mr. Garcia that I personally would not go, that I know most of my friends would be very embarrassed to go; this is a union, labor town, that most people would not cross the picket line, and I said you know, you may get some of the people back now, and you may be able to function, because right now times are very bad and people coming back, as you say, the people who have gone back may be sorry, but they went back, why, because they needed a job.

Ms. O'Brien:

Yes.

Michelle Madoff:

And maybe they'd go back under any conditions. I said the time will come; this City is expanding in the Renaissance area. There are many new restaurants proposed, and when times change, these people, when you need them most at a Christmas, or a holiday, or Thanksgiving, or New Year's, they just pay you back for what you're doing to them, twisting their arm to work, because they need money to put bread on the table for their children.

He agreed with me, but everybody shifted the burden. Nobody would take the responsibility of speaking, and they were very hardnosed, as you stated. They absolutely refused to negotiate with you, unless it's their way. They will not bend an iota. I did what I could; it's obvious, I certainly can't do it alone. I think coming to this Council is a very positive move, but I think just a note, Councilman O'Malley from this Council saying that we'd like them to end this strike— Carmen was with me, her husband, as you know, was Assistant to Lloyd McBride and is now still an Administrator with the United Steelworkers of America; and I've been involved personally when Mellon was unfair to Mesta, and I got the people at least back to work with some dignity. If they say everything was equitable and they still haven't got a decent contract —

Now, I think we have to go beyond — I think the first note should be from perhaps the President of this Council with your resolution, but the second note, the second if something is not done — there are dollars involved. There are substantive dollars, URA moneys that

were loaned; and I think in future contracts there should be something put in that protects the citizens of this community. I don't know how it should be done but some kind of scale, safer safeguards for the workers, because I have never seen a union or an organization so determined not to listen to any reason and not even to have somebody speak for them. Everybody says someone else will speak. You may tell Mr. Garcia, if you see him, that the next time I see him, I'm going to trip him.

Mr. Woods:

Mr. President, if I may, Jim. About a year I put the same similar resolution in on the Grand Concourse and I think what many, many people do not know and what we have to do, especially union people, is educate the public, because what these businesses and companies are trying to do and big corporations is break the unions; and once you break unions, you break everybody. It isn't just the unions; it's the entire labor force. They're trying to bring everybody down to where there are just two kinds of people, rich and poor, and people have to be educated to this fact. It's just not union members when they do this. When they lower union member's wages or freeze his wages, then everybody hurts, and this is what the unions and all labor have to educate people to this fact; and it's happening in this City, it's spreading like wildfire breaking these unions. It is happening nationally, and it's about time we put a darn stop to it, and we got to start stopping it today.

Ms. O'Brien:

Thank you.

The Chair:

If I may make a comment or two as a former union President and a person that has in labor for 40 some years, we've had the same problem over there that every other labor union's ever had. The operators out at the -- what's the title they had out there at the airport, and everyone else. Nobody seems to observe those picket lines, and union people are going through those picket lines left and right. If unions observed those picket lines and the working force of the City of Pittsburgh didn't go through there, you'd have that fellow on his knees and no resolution counts or anyone else; and that's what's really got to start and I'm surprised that the Allegheny County Labor Council hasn't taken a stronger stand.

I believe they have taken a stand, but the point where their members that go through that line should be suspended. At least that's the way they should operate it, and that's the way I would operate it, but that's the sad-- I stood over there one day and watched them go through. A lot of people I knew who were in unions, they just went through like nobody was out there carrying picket signs and couldn't care less.

Ms. O'Brien:

It's pitting one group of employees against another, dividing them psychologically. Of course it works when a man has to choose between feeding his family and crossing the picket line; he's going to feed his family, he's going to put the principle aside.

Mr. Woods:

If you could get all the unions to agree to shut this City or this County down for one day, just one day where

nobody works, they'll come to the table awful fast with you because when these other companies say, "Sit down and bargain with these people", you'll have a contract real fast. Go down to the Labor Council and tell them you want to shut this City or this County down just for one day and you'll get a contract.

The Chair:

I'm not talking about people who work there. I'm talking about people who go in there to eat. I'm talking about customers who are union people. They're the ones that should observe that picket line.

Mrs. Masloff:

How long have you been on strike?

Ms. O'Brien:

We've been on strike since August 12. We're going into five months now.

Mr. Stone, Lefty Scamasi would like to thank you for your help in your efforts to end this strike and we all thank you. On behalf of all of our strikers, we thank you and hope you continue to help us.

Mr. O'Malley:

To say this is not just symbolic, at 5:00 I'll be over at the Grand Concourse marching with the strikers. So, if anybody would like to join me, any of my colleagues, I'll be over there starting at 5:00.

Now I'd like to introduce Al Sparty who is a representative of the Dravo Corporation.

Mr. Sparty:

As Marge has very well stated

here, we at Dravo have the same problem. I've been a negotiator down there approximately nine or ten years and we've never had the problem we have now.

I want to illustrate just one little thing that they're going after. We have what they call a co-insurance plan. That plan is what they call 80-20. In other words, if you had to stay in the hospital, the company will pay 80 percent and you'll pay 20 percent. As probably a lot of you persons know, if you have to stay in the hospital, usually sometimes it may be \$10,000 to \$20,000. Although they cap this with say \$1,500, \$1,500 out of any one person's pocket could bankrupt them right now. And if you have two, that would be \$3,000. If you had this over several years, it could run up to maybe \$3,000, \$6,000, \$7,000. Also, they project in the future they're going to raise this twenty percent a year. That's only one of our problems.

The other problem is when they have what they call combined classifications. That would approximately get rid of about 130, 140 more men. Lately they've threatened us. We're on strike there and they're telling us about a letter they sent out that if they do get work, right now they say they don't have any work, but they say if they do get work they're going to call us back by seniority. If we don't respond, they will find other ways of getting people in there. By that I imagine they're going to have scabs come in. If this isn't union busting that's going on all over the country, I don't know what it is.

I think I'm probably one of the oldest in here; I'm close to being a senior citizen, I've gone through the Depression, I've been with labor a long time. It was hard getting what we came up from and now we stand to lose everything. I wish

you people could sympathize with us the way we are. I don't know what else we can do. We've been negotiating approximately ninety days down at Dravo and the only thing the company wants down there is their side of the story. They will not listen to our side of the story. We were willing to give a little bit but they don't want to give at all. In fact, they put a document out, I think its approximately 37 pages, that has wages and has a multitude of language changes. Also, we worked on an incentive system down there. Lately they've taken the incentive system out which is approximately I think to their benefit of between \$6.5 million and \$7 million a year that could save them.

I think that was concession enough. It would take me the better part of the day and the better part of the night to tell you all the other concessions that they want.

I thank you very much for listening.

Mr. O'Malley:

I'd just like to pick up at this time on what Councilman Woods said before I call the next speaker up here. I think what we're all saying is that it's time for all labor people in the City of Pittsburgh to join hands and to work together.

To address that, I'd like to ask Mike Lawrence who will speak for the Pittsburgh Solidarity Labor Movement.

Mr. Lawrence:

I'd first like to thank Councilman O'Malley for supporting us in our march last Wednesday of over 100 unions and unemployed committies and community groups, for introducing this resolution and supporting us. Thank you very much.

I'm going to be brief but I want to add a few points on the rest of our program of Pittsburgh Labor Solidarity, this grouping of 100 unions that has recently come together over the strikes in our City.

First of all, I want to question the scabs. Many of the unemployed, and I am one of them, are forced by economic circumstances to attempt to cross the picket line. Many of the people who are trying to do this aren't scabs at heart but they have families to feed. To that end, the main item on our agenda is for the City Council, Allegheny County, our local authorities, our local political representatives, to tax the local banks and corporations to fund a jobs program to prevent the unemployed from being forced across the picket line. Anybody who is not for a jobs program now, locally or nationally, is a scab. It's going to bust the unions in this country. We're calling on our local representatives to consider this. Discussions are going on now. We want Mellon, Equibank, PNB, and the local major corporations in this City taxed to fund a jobs program. We think that the City, these corporations and banks, owe that to us because we're the working class. All the wealth, the buildings out there, whatever you see, we built them. We feel this is our town and we want some response from local authorities, local banks and local corporations.

The second item is on injunctions. Mr. DePasquale spoke about injunctions and by the way, most of the union people around here have a hard time affording to go into the Grand Concourse except for maybe a cup of coffee. That's about all we can afford in there. Most of the people going through aren't union people, but there are some.

That's why we are also calling for the local authorities, City Council and

County Commissioners to encourage all local judges, sheriffs, police force, whatever, not to call for any injunctions limiting the number of pickets. At Grand Concourse they can have two or three pickets up and they have to be five feet from the door. You can't stop anybody from going in if the local judiciary is going to enforce it. That's busting the union too. That's scabbing and we're going to stop that in this town. Over 100 unions came together last Wednesday, we had a powerful march here, we ended in the City County Building. Councilman O'Malley was good enough to come down and address us. I want to tell you, to the community and City authorities, that the labor movement in Pittsburgh is on the march again. And we are not going to have our unions busted.

Mr. O'Malley:

I think that just about says it all.

The Chair:

Thank you.

Mr. Givens presented

No. 4219 Resolution authorizing the issuance of warrants in favor of Sylvester Sell and Otis Wesley, Council Chauffeur-Clerks, in the amount of \$500.00 each, for an aggregate amount of \$1,000.00, for clothing allowance for the year 1983, chargeable to and payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, Etc., City Council.

Which was read and referred to the Committee on Finance.

Michelle Madoff:

Mr. Perry, we vote again next Wednesday? I thought you were not

having meetings next week. I'm a little confused.

Mr. Perry:

This is for this Wednesday coming.

Michelle Madoff:

When do we vote final vote? Monday?

Mr. Perry:

It will be Tuesday.

Michelle Madoff:

You mean it will be int##is way. We'll all be happy to chip in. I don't think that should be an expense to pay for.

Mr. Woods presented

No. 4226 Communication from George W. Jacoby, Director, Dept. of Supplies, requesting Dawn Botsford, James Barrett and Frank O'Black to attend a seminar on Telecommunications in the Next Decade in Greentree, PA on January 4, 1984, at a cost not to exceed \$300.00 payable from Code Account No. 1128, Misc. Services, General Office, Dept. of Supplies.

Which was severally read and referred to the Committee on Supplies.

Mr. Stone moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 9th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mrs. Masloff seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4227

Report of the Committee on Finance for December 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4146

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Insituform East, Inc. in the amount of Thirteen Thousand Five Hundred (\$13,500.00) Dollars in payment for an Emergency Contract furnished for the benefit of the City for Insituform Lining of the sewer on Guide Way from Brookline Boulevard to 181 lin. ft. south into a wooded area; and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 4147

A Resolution entitled, "Resolution transferring the amount of Seventy Five Thousand Dollars (\$75,000.00) from Code Account 1660, Salaries, Regular Employees, to the Community Communications Trust Fund (CCTF), both accounts with the Bureau of Cable Communications, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4161

A Resolution entitled, "Resolution providing for the issuance of a warrant to Joseph DeFuldis and Ethel DeFuldis, his

wife, c/o W. Theodore Brooks, Esquire, 1403 Law & Finance Building, Pgh., PA 15219, in the amount of \$17,500.00 in full settlement of a claim for property damages and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 4101

A Resolution entitled, "Resolution extending the term of existence of the Public Auditorium Authority of Pittsburgh and Allegheny County."

Which was read.

Also,

Bill No. 4102

A Resolution entitled, "Resolution authorizing the City of Pittsburgh to increase its lease rental debt by entering

into a supporting agreement with the Public Auditorium Authority of Pittsburgh and Allegheny County requiring annual payments by the City of Pittsburgh of one-half of the principal and interest on the said Authority's Auditorium Bonds, Series D."

Which was read.

Also,

Bill No. 4103

A Resolution entitled, "Resolution approving the lease of the Stanley Theatre and real estate adjacent thereto by the Public Auditorium Authority of Pittsburgh and Allegheny County to the Allegheny County Joint Venture and the subsequent assignment of such lease to Pittsburgh Trust For Cultural Resources." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4201

A Resolution entitled, "Resolution amending Resolution No. 968, effective November 7, 1983, entitled: 'Providing for the filing of an application or applications by the City of Pittsburgh with the Urban Consortium Energy Task Force for a grant in connection with the Energy Conservation Project's Model Decision Process Project; providing for the execution of an Amendment of Grant Contract; providing for required assurances; providing for the deposit of the funds in a bank account of a Special Trust Fund; and upon approval thereof, for an Agreement or Agreements with a consultant or consultants for services in conjunction therewith and providing for the payment of the cost thereof,' by amending Section 6 to increase the

amount payable for consultants to \$47,250.00 and by adding a section \$25,000.00 from Code Account No. 57, Social Security Fund to the Energy Task Force Trust Fund, not to become effective until January 1, 1984."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Which was read.

Also,

Bill No. 4126

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ram Construction Company, Inc. in the amount of One Hundred Forty Five Thousand (\$145,000.00) Dollars in payment for Extra Work, being in addition to the original contract price of Three Hundred Sixty One Thousand Nine Hundred Fifty Five (\$361,955.00) Dollars on Controller's Contract No. 26154, furnished for the benefit of the City in

connection with the Removal of the Rock Slide from Saw Mill Run Boulevard without previous authority of law; and providing for the payment thereof."

Which was read.

Mr. Stone:

Mr. President, I have one comment to make. In accordance with Section 322 of the Home Rule Charter Publication Effective Date of Legislation, I move that the effective date on Bill 4126, if it's passed, shall be the date on which it is signed by the Mayor.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

On Bill No. 4126, I would ask that Mr. Givens, along with Mr. Perry, send a letter to attorney Tony Picadio telling him what is needed to make Seldom Seen correct in Chapter 11. But they have volunteered so that we don't have to go to the bankruptcy court to make good on Seldom Seen but they need to know from us what it is that we want and if Councilman Givens will outline what we want, they will sign the letter through their attorney.

The Friends of the Green can notify Councilman Givens. Make sure that you have what you want done and Ram will agree to sign it through their counsel. They volunteered to do it on their own last time they were here.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the

bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Mr. Givens presented

Bill No. 4228

Report of the Committee on Public Works for December 14, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4057

A Resolution entitled, "Resolution vacating Symphony Lane from a point 120 feet east of Sixth Street to its easterly terminus, Exchange Way from Seventh Street to its westerly terminus and Symphony Lane from Liberty Avenue to its northerly terminus in the 2nd Ward of the City of Pittsburgh." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4058

A Resolution entitled, "Resolution providing for an Agreement or Agreements with various property owners in the area bounded by Liberty Avenue, Penn Avenue, Sixth Street and Eighth Street to permit encroachments necessitated by the construction of an office building and the renovation of the Stanley Theatre."

Which was read.

Also,

Bill No. 4148

A Resolution entitled, "Resolution vacating Bland (Blanche) Street from Geyer Avenue to a 20 foot Unnamed Way (108.9'± easterly) in the 27th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4149

A Resolution entitled, "Resolution amending Resolution No. 773, approved August 15, 1983, effective August 24, 1983, entitled: "A Resolution granting unto Pittsburgh Plate Glass Industries, their successors and assigns, the privilege and license to construct, maintain and use, at their own cost and expense, six (6) electrical vaults in a portion of the sidewalks of the Boulevard of the Allies and Fourth Avenue in the First Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4150

A Resolution entitled, "Resolution

granting unto St. Francis Hospital their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two (2) pedestrians bridges, one over Calvin Street, one over a portion of the sidewalks of Calvin Street and 45th Street in the 9th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4151

A Resolution entitled, "Resolution amending Resolution No. 291, approved April 18, 1983, effective May 3, 1983, entitled: 'Providing for a Contract or Contracts for the Reconstruction of Warrington Avenue from Haberman Street to Arlington Avenue, including necessary work on private property, necessary waterline work, and other work incidental thereto; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof,' by providing for an Agreement or Agreements with Green International, Inc. for Construction Inspection Services in connection with the Reconstruction of Warrington Avenue, and by reducing the total amount of the Contract or Contracts for this project."

Which was read.

Also,

Bill No. 4174

A Resolution entitled, "Resolution amending Resolution No. 955, approved September 24, 1982, effective October 8, 1982, entitled 'A Resolution authorizing the granting unto the William Penn

Association an option to purchase for six months, upon payment of a non-refundable option fee of \$10,000.00, certain property in the 12th Ward, City of Pittsburgh, at or near Delafield Avenue and designated as Parcels numbered 1 and 2, for the sum of \$180,000.00, and providing for the conveyance of same."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4229

Report of the Committee on Planning, Housing and Development for December 14, 1983 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3989

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, by Revising the Text of Chapter 959 concerning the Regulations of the "C5" Golden Triangle Districts." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4012

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Lawrenceville Citizens Council, Inc. located on 37th Street in Lawrenceville to provide for general rehabilitation work on the old Saint Augustine's school building, at a cost not to exceed \$35,000.00 chargeable to and payable from the 1983 CDBG Program Trust Fund, Unspecified Local Options, Project No. _____.

Which was read.

Mr. Robinson:

On Council Bill 4012, I would like to amend that bill by adding the following project number: 4-40-05-0035-83-918-83-35.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

Bill No. 4080

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United

States Department of Housing and Urban Development for a grant in connection with the ALLEGHENY INTERNATIONAL-URBAN INVESTMENT DEVELOPMENT PROJECT UDAG; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the ALLEGHENY INTERNATIONAL-URBAN INVESTMENT DEVELOPMENT PROJECT UDAG; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; creating a Special Trust Fund in connection with the Project; and providing for the deposit of the funds in a bank account." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4157

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and North Side Industrial Development Company, Inc., for the sale of Block 22-G, Lot 132 in the 21st Ward of the City of Pittsburgh (PARKING)."

Which was read.

Also,

Bill No. 4158

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the below-listed Redevelopers for the sale of the following properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27."

Which was read.

Also,

Bill No. 4159

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Sheldon S. Smith for the sale of Block 23-E Lot 335 in the 25th Ward of the City of Pittsburgh (RESALE FOR REHAB)."

Which was read.

Also,

Bill No. 4160

A Resolution entitled, "Resolution approving Contracts for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and the various Redevelopers for the sale of the various properties for \$1.00 per lot as per the Property Management and Maintenance Program (PMMP SIDEYARD SALE)."

Which was read.

Also,

Bill No. 4193

A Resolution entitled, "Resolution amending Resolution No. 1325, effective December 23, 1982, entitled: 'Providing for an Agreement or Agreements with the Catholic Youth Association and the Urban Redevelopment Authority of Pittsburgh for the replacement of roof and other external repairs to the Stephen Foster Center located at 286 Main Street, City of Pittsburgh.'"

Which was read.

Also,

Bill No. 4194

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Legal Advocacy for Women, an organization that provides counseling and information for low-income women experiencing problems in obtaining child support payments." (AS AMENDED IN COMMITTEE)

Which was read:

Mr. Robinson:

Mr. President, on Council Bill 4194, I'd like to amend that bill by changing the project number from its present designation to the following: 4-40-05-3500-81-926-81-35.

Mr. Stone seconded the motion.

Which motion prevailed.

Also,

Bill No. 4195

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the Kingsley Association of East Liberty for a Youth Counseling Program that assists low-income persons with information on career opportunities." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 4195, I'd like to make an amendment to change the project number from its present designation to the following: 4-40-05-1500-81-927-81-35.

Mr. Stone seconded the motion.

Which motion prevailed.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 4230

Report of the Committee on Public Safety for December 14, 1983 transmitting one ordinance and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3946

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Article VII, Service Businesses, Chapter 763, Parking

Lots, by adding additional safety requirements for the licensing and operation of open and enclosed parking lots." (AS AMENDED BY SUBSTITUTE)

Which was read.

Mr. Robinson:

Mr. President, on Council Bill 3946, on December 16, 1983 I forwarded to all members of Council three documents relative to this bill with some proposed amendments that I think, hopefully, will clarify the intent of the bill and help Mrs. Madoff and others who want to provide parking lot safety.

First, I gave everyone a copy of Exhibit A which was a copy of the bill passed on December 14, 1983 in Committee. Exhibit B was a copy of Council Bill 3946 as amended showing deletions by words crossed out and that was the bill we passed last Wednesday. Exhibit C, which are the proposed amendments to Council Bill 3946, with the new wording underlined in three specific sections.

With the indulgence of Council, I will read the three proposed amendments.

Section 763.04F should read, "There shall be surveillance of all areas of all enclosed parking garages in which attendants do not park all of the vehicles for 16-1/2 hours a day to be decided by the operator. Surveillance of all areas shall be no less than once every thirty minutes as verified by detects, comparable equipment or a system by which the required surveillance rounds may be accurately recorded. This provision may be complied with by any alternative means so long as the City can be assured that there is a surveillance of all areas of the parking garage at least one time every thirty minutes and that

there is a method for verifying that surveillance."

Michelle Madoff:

May I comment, Mr. President?

The Chair:

Wait a minute. We have an amendment on the floor.

Michelle Madoff:

No, it's not an amendment. It's already in here.

The Chair:

Do I have a second?

Mr. Woods seconded the motion.

The Chair:

Now go ahead and discuss it.

Michelle Madoff:

Councilman Robinson, it's in the bill. The only difference is that instead of 16 hours you have from 10:00 to 1:30 and that was at the discretion of the garage owners. They asked for that time.

Mr. Robinson:

The first four and a half lines are not in the amended bill.

Michelle Madoff:

I was reading exactly what you had and all you said was 16 hours to be at their discretion. I'm saying the reason we didn't do it is they asked for the time from 10:00 a.m. to 1:30 a.m.

Mr. Robinson:

My concern is that all the garages are operating under different sets of conditions and it seems to me that as long as we can be assured that the surveillance is being conducted during the hours when they're doing the most of their business, that we should give them the flexibility to determine those hours. That's all.

Michelle Madoff:

I understand you and I agree with you and I'm telling you that these numbers did not come from Michelle Madoff; they came from the meetings that were held with the garage owners and with subsequent meetings with other garage owners and these are the hours they want. It seems that at 8, 9 o'clock people are going into garages because they're going to work and there are a lot of people around so they're not worried about that. They want to start at 10:00 when people are in alone and they want to go to 1:30 at night. That covers your 16 hours. I'm so glad that they're willing to cooperate that I would be willing to just leave it as it is. Everything else is as you said; we amended it to what you wanted.

Mr. Robinson:

My only point is, in looking at the practicality of the situation it's rather obvious that all the garages are not operating at the same time. I wasn't privileged to any meetings with the operators other than the ones that were here in Council and I'm certainly not disputing what you're saying. I'm just saying that it seems to me so that all the operators that will be affected will have an opportunity to effectively provide for surveillance, that we need to give them that flexibility. That's my only concern.

Michelle Madoff:

Councilman Robinson, this was the outgrow of the meeting with the cross section of the garage owners and after the meeting with other garage owners. This is the time that they picked; I did not pick it. They obviously feel these are the hours that they are in operation. I would like not to change the bill at all at this point. I've amended this bill so many times I feel like it's getting dressed and undressed.

Mr. O'Malley:

If I might, I'd like to support both of my colleagues. The hours of 10:00 a.m. to 1:30, some of the concerns that were surely made by some of the garage owners is that they want to keep the guards on longer than 1:30 at night because a lot of the garages downtown, people come out of the theaters, the shows, and have something to eat and they don't go into the garages until 2:00 or 3:00 in the morning.

Michelle Madoff:

They don't want to be there at 10:00 when I'm there and I'm frightened.

Mr. O'Malley:

Right. But I think what Councilman Robinson is saying is let them have 16 hours of a guard, some of them will run from 12:00 noon to 3:00 in the morning, some of them would want it from 10:00 in the morning to 12:00 midnight, but they want that flexibility

Michelle Madoff:

Alright and I would like to have it from 10:00 to 1:30 and if they're making money staying up later and they feel they want to have guards to protect their

own liability then they'll keep the guards on a little bit longer. We're not talking about a substantive time from 1:30 to 2:30, it's an extra hour and I'd like to leave it just as it is. If they're having business they'll keep it open for an extra hour; they'll have a guard for the extra hour.

Do you understand what I'm saying, Councilman Robinson? I'd like not to change that.

Mr. Robinson:

All I'm saying is, I'm proposing the amendment; if Council will accept it, fine. If they don't, I have no problem.

Michelle Madoff:

And as my agent who did the research on this bill pointed out, the enforcement would be impossible.

Would you yield, Councilman Robinson, and not amend that?

Mr. Robinson:

No, I'm going to make the amendment. I'm going to submit it.

The Chair:

Mr. O'Malley's point was that the operators are willing to go beyond that so I don't really see the purpose of an amendment. I think Mr. Robinson is trying to help the operator to an extent there as to when they should operate. They're saying they'll operate even beyond.

Michelle Madoff:

I know but these women sitting here don't want to have to worry about going into that garage until noon and worrying. That's the whole purpose of

this bill. All I'm saying is that for one extra hour they can keep a guard on if they want to.

With all due respect, Councilman Robinson, I'll support you but I don't think that's valid.

The Chair:

You're satisfied with it the way it is?

Michelle Madoff:

Just the way it is.

The Chair:

Alright. But there is an amendment on the floor and a second. Roll call vote.

Michelle Madoff:

Who seconded it?

Mr. Woods:

I did.

Mr. Flaherty:

I'm opposed to the amendment because I think the expense of providing safety for the women of this City to begin with is going to be a very small price. I can't see attempting to minimize that anymore. I think in consideration of the small cost, I think if anything, this Council should be moving more in the opposite direction to provide more security for our women.

This bill was watered down already in Committee; I don't think in the spirit of compromise that this Council owes anyone anymore as far as compromising. I feel that the bill is weak now and to water it down even

more will make the safety aspects of it negligible.

Mr. Givens:

I'll abstain.

Michelle Madoff:

I'm opposed to the amendment.

Mrs. Masloff:

I'll abstain.

Mr. O'Malley:

I'm opposed to the amendment too. I think the sponsor of the bill should certainly have the right to make a decision like this here. I also go along with my colleagues but I think for the extra hour the garage owners could afford to pay the guard for that hour.

Mr. Robinson:

In view of the fact that it doesn't appear that Council is prepared to make any other adjustments, I'll withdraw the amendment.

The Chair:

We already started voting but we have a motion to withdraw the amendment. Do you withdraw your second, Mr. Woods?

Mr. Woods:

No. Continue to vote.

Michelle Madoff:

Well, if he's withdrawing the amendment —

Mr. Woods:

Alright, I'll withdraw it. We already started to vote though.

Michelle Madoff:

Well, it's withdrawn; there's no motion.

Mr. Stone:

He's withdrawing the motion, the second is withdrawn. Let's call the bill.

The Chair:

Roll call vote on the bill itself.

Mr. Flaherty:

I am wholeheartedly in support of the proposal and I want all of my remarks from Wednesday's Committee Meeting included in the record.

I would want to add one thing that I think from a fiscal perspective that it is important that the City, that the parking lot operators, give them a degree of protection because if it hasn't happened yet, I believe that it is certainly around the corner that there is going to be a negligence suit in the future when one of these rapes or murders occur.

I think it's very wise and certainly to go against this may be penny-wise and pound-foolish. I think it's very important that the City and the garage operators be in good standing when that suit may come.

Michelle Madoff:

A simple aye and I'd like my remarks brought forward.

Mr. O'Malley:

I vote aye and I'd like my remarks brought forward from Wednesday.

Mr. Stone:

Mr. President, if I may. On Bill 3946, relative to any differences of opinion on this bill, I think these remarks need to be made.

First of all, I don't think the issue is whether or not we should have safe garages or not. I believe that everybody is for safe garages. Before this piece of legislation was even introduced, it was my motion in the Parking Authority that started the vigorous campaign for raising the maintenance level of all of our garages in this City but from what I have seen so far there seems to be no statistics which seem to indicate that all garages uniformly have evidence of crime but conversely we don't even know which ones they were and if it's only a few then why should the majority suffer for those few. Why can't we then push enforcement on those who are at fault and not penalize those who are not at fault?

Legislation obviously must be review; not only this legislation but anything else. Any time that it affects anyone else, they are entitled to a hearing and to be heard, even if that legislation is well-meaning. The operators, as I viewed it, were not saying "No improvements". In fact, they offered some suggestions and some ideas and they, however, wanted to offer equal results for safety's sake by their methods and some need of compliance in an alternative way, because of the uniqueness of their particular garage, which in some instances was offering even better safety. They even wanted to give suggestions to show that they wanted to comply. But in my opinion,

they were denied that opportunity to explain their side and whether we like what they say or not is unimportant. But a hearing that denies to them or anyone else who has a view contrary to ours is wrong. They were insulted, belittled, prejudiced, and even accused of being hired hands and rapists. This is not supported by the record. Some of them might have said things that even I might not have liked and to which I might have differed with; but they should have been able to say it and to say it in a climate equal in respect to those proponents of the bill. In my opinion, they were not granted a fair and impartial hearing and they were not given a hearing to its finality. In fact, if it weren't for the fact that I asked for a post agenda, some of the additional amendments would not have been in there because the sponsor of the bill included people and garages that were not intended to be included.

It is therefore with regret, but nevertheless, someone has to speak out for a fairness in hearing, and for that reason I abstain.

Michelle Madoff:

Why don't you vote one way or the other, Mr. Stone?

Mr. Woods:

I vote no and I'd like my remarks from last Wednesday brought forward.

The Chair:

I vote no on 3946. As I stated previously, the lack of enforcement of present regulations is the problem and not needed are more regulations. I would like my remarks carried over from the previous meeting and the reasons previously stated to be put in the record.

**(COUNCIL'S REMARKS ON BILL NO.
3946 - 12/14/83)**

Michelle Madoff:

I think everybody has before them the new bill with the second amendment. Now, I resent having someone say that I don't know what's in the bill. I have bent over backwards unlike most people on this Council who say, "Well, we had a hearing." We don't have to have a hearing, right Mr. Woods? And now we make up our minds.

I was approached by the Golden Triangle who organized a number of cross sections of garage owners and department store owners and asked if I would be willing to sit down and maybe compromise and we came up with a modification of the bill. Is Marvin Fein, our attorney, here? Will you join us at the table?

We left that meeting having come to a compromise subsequently determined, asked for a post agenda which turned out into really a hearing at which point we did not have a chance to have the same people who were present at the hearing, the victim or those who felt that they represented the victim. I think that was sort of unfair but again I listened and went back again and with the help of Marvin Fein who has really extended himself beyond and above the call of duty, he has really put in extra time to amend even though concerns and I think if you will take the time and I think the fastest way to go through this bill is to read it from beginning to end and I would like to ask Marvin to do that because I think it takes care of everybody's concerns about what ifs.

We have a section in here that says that there is a right for waiver and the only thing that's underlined is the amendment and if anybody has any

problem with the bill I would like also to call to your attention that the President and Council members received a letter signed by Mr. Merrill Stabile. Mr. Merrill Stabile was very upset and contacted a number of Council members and particularly Golden Triangle saying that he was upset that he was not invited to this private meeting. Well, it turns out that he was absolutely invited to the meeting and chose not to attend it.

Mrs. Masloff:

That's not true.

Michelle Madoff:

It is true because Mr. Stabile's son, who has represented him and has been the spokesperson here, was approached and he now admits that he was approached to come to that meeting.

Now we have a letter and I don't know if the other members of Council ever received this letter from the William Penn Parking Garage is the heading and in this letter where they claim anything to correct the bill, he cites 763.04h against this clause mandates one specific way to secure garage which is appropriate in some locations but not in others and as I said, we have taken care of that in our bill. But in a garage such as Allegheny Center, where there are countless entrances due to the mall, we have roving guards and security cars to patrol the area; this has proved to be a success while being less costly and we have had no muggings or rapes. Well, even with that, we have gone back, my aide who does outstanding work, Carmen Gunther, and all of us we are going to be taking that up, I hope, at budget time, have limited staff, but with the limited staff that we have, she was able to do some research and I think all of you have copies of this. We have the incidents

that have taken place using that particular garage, Allegheny Center Mall. We have going back to '78 in the garage, in '79, we have had and '80 and '81, they could only dig out to '81, they did not have the people to do the job.

Chairman:

I have a problem Michelle. The bill that you are giving now, is this the one we already introduced last week?

Michelle Madoff:

This is the amended bill. You have a copy of the up to date amended bill.

Chairman:

When was this amendment made? Today?

Michelle Madoff:

Yes. We incorporated all the things that everybody asked for.

Chairman:

Then I think we need a motion to amend the bill.

Michelle Madoff:

Fine, but I am not up to that as yet. I would like to point out some of the background. He states that he never had any rapes. He has had nine rapes of sodomy; he has had —

Mr. DePasquale:

Who has Michelle?

Michelle Madoff:

This is in the garage at Allegheny Center Mall which he claims he has had

no problems.

Chairman:

Michelle, I need a motion from you relative to the proposed amendments so if I get that on the table --

Michelle Madoff:

I move that all previous bills be abandoned, if that's the correct word, substituted, no substitute is what we want to do. We delete the other bills and we substitute today's bill which has all the amendments because I have bent backwards, triple, sideways and over my head in cartwheels trying to accommodate everybody and I think we have the bare bones of a bill that would at least give some protection to women.

Mr. Depasquale:

I'll second the motion just for discussion.

Michelle Madoff:

Would you like to read the amendments, Mr. Fein, so you can explain why we amended them and how they came into being? Then we can hear from Mr. Woods.

Mr. Fein:

Since the bill was introduced, there was one set of amendments which I believe have already been voted on by this Council and subsequent to that time, there was a meeting which Michelle had mentioned with the Golden Triangle Association and there was also a public hearing last Wednesday, post agenda public hearing, at which other suggestions were made. All the amendments that you have before you come as a result of those two meetings. Let me go through them quickly and give

you their genesis.

In 763.03b there is an amendment which basically excludes employee parking lots and business visitor parking lots from this bill and that's a result of --

Michelle Madoff:

Excuse me, Marvin, would you point out the underlined versus the not underlined?

Mr. Fein:

I think they can all see what's underlined and what's not underlined.

Michelle Madoff:

What it means, what the underlined means. They may not know.

Mr. Fein:

That's what I am explaining now. The underlined portion means we have an exclusion for business visitors and employee parking lots. That is a result of the suggestion from the person from Fisher Scientific and also Councilman Stone had asked about business visitor lots also.

In 763.03c we have changed the definition of consideration so that certain --

Chairman:

Before you leave that one, let me ask you a question. What difference does it make in a business of whether he pays or not?

Mr. Fein:

The difference is --

Chairman:

Safety wise I am talking about.

Mr. Fein:

It shouldn't make any difference safety wise, the difference being that we wanted to exclude lots, like a Giant Eagle lot from these provisions or any other kind of store that has three or four spaces next to its store.

Chairman:

If it's Giant Eagle, you have families there and if you are talking about the safety, is it not important because they don't pay for the lot?

Mr. Fein:

The reason being is there is a different burden on the company itself to provide safety for its business visitors than does a commercial lot. And they do have guards and they do provide for the safety and as far as I know, there hasn't been any incidents reported to at least Councilwoman Madoff about business visitor type lots.

Mr. O'Malley:

Marvin, if I might. On 763.03b, does that apply to just multiple level garages? Would it apply to St. Francis Hospital?

Mr. Fein:

Well, (b) applies to open lots. Provision (e) applies to enclosed lots. They are basically the same except for —

Mr. O'Malley:

St. Francis has an open lot that charges their employees a minimum to park there. Would they have to provide a

security guard?

Mr. Fein:

No, they wouldn't, but when you go down to 763.03c, the amendment there, it specifically amends to exclude employee lots as we realized in talking to a Fisher Scientific person and to a lot of other people, that numerous other employers charge their employees for parking.

Mr. Woods:

But what Jim is saying, just pick St. Francis or Allegheny General Hospital parking lots.

Mr. Fein:

Those are open commercial lots and employees do happen to park there.

Mr. Woods:

So, that would not exclude and his question was St. Francis parking lot and you said it excluded it.

Mr. O'Malley:

Well, they have two parking lots; they have a multiple level parking lot and they have a flat parking lot in the back.

Mr. Woods:

The one in the back is excluded?

Mr. Fein:

The employee lot would be excluded, and the one that is open to the visitors would not be excluded.

Michelle Madoff:

They have guards walking the

employees to the parking lots; they do have people walking them because I have been to that hospital and they asked me not to go to that parking lot because I have had an option to use it and they escorted me to the lot.

Mr. Woods:

It would take effect. I know many of their employees do park in the commercial lot that's on Penn Avenue.

Mr. Fein:

The commercial lot would be covered despite the fact that their employees park in there.

Mr. Woods:

So that's like at Allegheny General.

Chairman:

Marvin, question. In 763.03c, we are saying now that if I am an employer and I have a parking place for my employees and I charge them a fee, then I don't have to worry about their safety under this bill?

Mr. Fein:

No, you have to worry about their safety because —

Chairman:

For other reasons?

Mr. Fein:

Yes, you have other obligations.

Chairman:

Now watch what you did here in what the bill is doing. In the first one

you said no fee was the criteria change.

Mr. Fein:

No fee for business visitors.

Chairman:

Now we are coming to 763.03 and we are saying that if you charge a fee and you have to be an employee then you are excluded but if you are a non-employee, then you are included?

Mr. Fein:

That's correct.

Chairman:

Both pay a fee and one doesn't have the safety factor? We want them both safe, but one doesn't have to provide —

Michelle Madoff:

If you would like to strengthen the bill, Mr. Stone, I would welcome that. We are trying to bend over backwards to accommodate the objections. What we found out was that, for example, Mr. Kossman, who is exempt because he parks his own cars, came in voluntarily and told us that occasionally somebody parks their own car. Therefore, he is no longer exempt. I mean I have heard of stupid things but that takes the cake. I think we are getting into that area. If you want to strengthen the bill and reword it, we would be happy to have you reword it.

Chairman:

You don't have any objections to me asking any questions?

Michelle Madoff:

I also don't have any objections to you rewording it.

Chairman:

You still don't have any objections to me making any suggestions, do you?

Michelle Madoff:

None at all.

Chairman:

You know, we went through this last Wednesday where you insulted people who gave a cultured view. Now, whether you like it or not they are entitled to their opinion.

Michelle Madoff:

I don't think I was insulting. When you abandoned the meeting I think everybody already spoke and that was part of your game plan, to diminish me and believe me, we are not going to allow it, but that's another story.

Chairman:

You are correct. I asked a question and I am just putting the question on the floor. Mr. Woods has the floor.

Mr. Woods:

In these open lots, you said something about a Giant Eagle lot. Sears out in East Liberty, will this bill cover that?

Mr. Fein:

No, it wouldn't. That's business visitors, not parking with pay.

Mr. Woods:

Yes, they pay to get in there.

Mr. Fein:

Sears in East Liberty?

Mr. Woods:

Yes.

Mr. Fein:

No, they don't.

Mr. Woods:

I'm sorry, I thought they did. But that would not include that?

Mr. Fein:

No, the only one I know where you would pay would be the Allegheny Mall.

Mr. Woods:

I have some questions for Mr. Coll on that one.

Michelle Madoff:

Can I finish this?

Mr. Woods:

Sure, I'm sorry.

Michelle Madoff:

Mr. Stone, do you have any other questions on that?

Chairman:

I can speak when I have to speak up.

Mr. Fein:

I would like to go back because I noticed that there is one provision that isn't underlined which is 763.01a(1) which is the first provision. We have excluded residential parking garages where 80 percent of the spaces are allotted to residents and this is with respect to Gateway Towers situation where occasionally non-tenants do park there.

Michelle Madoff:

And this came from the parking house representatives of the Greater Pittsburgh Parking Association. They were concerned about that and we tried to accommodate them.

Mr. Fein:

The next one will be 763.03e and again this is just making an exception for business visitors and employee lots that are enclosed to conform with that exception for the open lots. I would like to add that you will see the exclusion is only (f) through (l), I mean each of these are (e) through (l) and that's because those are the provisions that relate to safety. There were other provisions that are in this act which we are not amending which apply to entrances onto the street to keep the sidewalks clear. Those provisions will still be applicable to all kinds of lots in the City no matter who parks there.

763.04e is an amendment made to - it isn't underlined on your version - the last six words applicable to that particular open lot; that's because all of the enclosed lots provisions can't be made applicable to every open lot and therefore there is some flexibility as to which provisions something like the Mon Wharf or the Carnegie Museum lot it complies with. That came out of the testimony from the fellow from Carnegie

Museum and Carnegie Institute when they testified.

Mr. O'Malley:

Will you repeat that please, Marvin?

Mr. Fein:

What happens is, if you have an open lot that can't be observed from the street, you then have to comply with the applicable provision to an enclosed lot. Obviously, all open lots can't comply with the provisions applicable to an enclosed lot and so there has to be a common sense approach and that is to only use an enclosed lot regulations that can be made applicable to that particular enclosed lot. One provision would be pertaining to all concrete and obviously if there are only curb guards, they are concrete and we can make them pay for their curb guards and things like that.

Mr. O'Malley:

I don't think it's necessary if you are getting the five candle lights anyhow and also paint the garage.

Michelle Madoff:

You can't get it without painting it. It doesn't work.

Mr. O'Malley:

That's not what I have been told.

Michelle Madoff:

We checked it with the experts and even the garage people admitted it and they agreed to it; they want three candles, we wanted ten and we compromised at five.

Mr. O'Malley:

What I am saying is, you are asking for both, the painting and the candles.

Michelle Madoff:

It will be far more costly for them to get the effect of the light without painting. You are right, they want to go to more light which is far more costly and they have to have light every two seconds. They will have to have continuous, a whole wall of light and it's prohibited. We would be absolutely unreasonable to ask for that. This is a new out having to do that. Their objection is having to put in that many lights. The painting will make up the difference, is that going to black when we try to light it. I had a diningroom that was black and brown and it gave more light than to say if it was white.

Mr. Fein:

Also going back, I just noticed that there is a typo on the top of page two, the third line where it says 763.03 (e) through (l), that should be 763.04 (e) through (l). Going down to 763.04 f, a lot of the garage owners, at least from the meeting that we had with the Golden Triangle Association, objected to the times in which there had to be surveillance; we changed it from all hours to from 10:00 in the morning through 1:00 a.m. in the morning.

They also objected to the use of verification, their security method by this detectsystem. We amended that to say or comparable equipment or system by which the required surveillance rounds may be accurately recorded. Mr. Stabile, when he was in here last week, objected to the inflexibility of this provision; there is a provision added that says this provision may be complied with

by any alternative means so long as the City can be assured that there is surveillance of all areas of the parking garage at least one time every 30 minutes and there is a method for verifying that surveillance.

Mr. O'Malley:

Would I be correct in saying that if you have a guard walking through the parking garages you don't need surveillance cameras?

Michelle Madoff:

That's right. Either/or and also they suggested, which was very good, they suggested that we don't have the guards going say, 9, 8, 7, 6 in some kind of sequence so that somebody watching could get a fix on where the guards are going to be; the guards can go maybe 9 to 5 or maybe 5 to 3 so nobody anticipating some hanky panky would know at what point the guard might show up on the floor.

Mr. O'Malley:

I agree with that. Your research, Michelle, is there a reason for ten, having a guard at 10:00 in the morning? It would seem to me that most of the acts, mugging or rapes would occur after dusk.

Michelle Madoff:

The reason they — 10:00 in the morning has nothing to do with dusk, just the one at night.

Mr. O'Malley:

That's what I am saying. It would seem to me that most of the acts would happen at night.

Michelle Madoff:

At 10:00 in the morning they are all coming into work together. That's why they didn't need one. If we are all going together or in a group, there is safety in numbers so they figure they didn't have to do it at that time.

Mr. O'Malley:

It would seem that at this time of the year, it would happen about 5:00 or 6:00 at night so it would be good to put a guard on at 6:00 at night.

Michelle Madoff:

They are going to have it all day.

Mr. O'Malley:

What I am saying is, does your research show that there are just as many muggings in the afternoon as in the evening?

Michelle Madoff:

I think we can give you — we are having a problem because of the kind of thing we are reading in the paper that Council has already made up its mind —

Mr. O'Malley:

No, I don't think this Council has already made up its mind.

Michelle Madoff:

I just want to tell you, I didn't write the story and I presume the reporter interviewed the people. All I know is that we went to the Police Department and I think if you will bear with me, I will call upon my aide, Carmen, because she did most of the research and we do need research aides. Does anybody object to asking here?

Mr. O'Malley:

I don't.

Chairman:

I do.

Michelle Madoff:

I will try to answer your question for you. We had the police records pulled and they are a short staff and there is a time factor. Is that right Superintendent? You just can't go get the records, it takes some time to do it.

Superintendent Coll:

It's not filed in the manner in which you asked and that's a problem.

Michelle Madoff:

Right. And it's not in the computer yet. The best we could get for example on the Allegheny Center Mall which is one that we got a letter from Mr. Stabile saying he had no problems in; it's a crime recapped Allegheny Center Mall parking garage ends up with a total of armed robberies, January 1, 1983 to present, two; total strong arm robberies, January 1, 1983 to present, four; total purse snatch robberies, January 1, 1983 to present, one; total theft from auto, January 1, 1983 to present, 36. That's a total of 43.

Mr. Woods:

Can I ask a question?

Michelle Madoff:

And that's in 1983.

Mr. O'Malley:

I am not finished.

Michelle Madoff:

That's 1983 with 43 episodes.

Mr. O'Malley:

What I am saying is, I am leaning towards supporting your bill.

Michelle Madoff:

My answer to your question doing the research since my aide is out is yes, there is a lot during the day.

Mr. O'Malley:

I am leaning towards supporting your bill, but I am not sure I can support it in its entire context; I am not sure that they need a guard at 10:00 in the morning to 3:00 in the afternoon. I would say that they might need one after dark at 7:00 at night or at 11:00 at night.

Michelle Madoff:

This is when the episodes have taken place and they suggested the times. We wanted 24 hours but they said they could live with this.

Mr. O'Malley:

Let me ask a question. If you have a guard walking around the floors and they have to check on every floor every half hour, are you still requiring the escort? To me they should have either/or, either the guard or the escort.

Michelle Madoff:

I would entertain an amendment. I have personal feelings on the difference with the people that are concerned —

Mr. O'Malley:

Mr. Stabile told me they have no

problem with the escort service.

Michelle Madoff:

The escort service has come about since they talked about the bill months ago. They have done it on their own.

Mr. O'Malley:

An escort with the guard walking around on the floors seems to be a duplication.

Michelle Madoff:

I am sort of inclined to agree with you. However, I must tell you how this came into being. It originated with people coming to me from Heinz Hall; senior citizens, elderly gentlemen, asking my date and me if we would mind walking them to the garage and well lit garages. Now that garage has posted a sign saying if you wish an escort, we will provide one.

Mr. O'Malley:

I think it's a duplication. That's one of the problems I am having with it. I think if we could amend the bill —

Michelle Madoff:

Let me just tell you where that came from. I was not married to that section any more than you are, but it was an option that a garage could offer. We provide and they have already done it alone before we even asked for it. They felt the need for it.

Mr. O'Malley:

For what?

Michelle Madoff:

To have an escort service.

Mr. O'Malley:

Then we don't need the security walking around every half hour.

Michelle Madoff:

Given a choice between an escort service and security, we will take the security every time.

Mr. O'Malley:

Can we give the garage the option of either/or?

Michelle Madoff:

There is no way they could provide escort service every time; there is no way they could ever do it. They would have to hire so many people that it would be impossible.

Mr. O'Malley:

They wouldn't provide it all the time, they would provide it upon request.

Michelle Madoff:

Then we are not giving protection to the people that need the protection, which is the gut of the bill. To summarize the gut of the bill, the two points that I would not personally yield on would be the lighting and the guards.

Mr. O'Malley:

Well, I would support the escort service or the guard.

Michelle Madoff:

I would waive the escort service but I would not waive the guard. If you wish to make an amendment to eliminate the --

Mr. O'Malley:

It's your bill.

Michelle Madoff:

I would entertain an amendment; I do wish to make an amendment to eliminate the escort service. I have the bill intact, but I would entertain that as an amendment.

Mr. O'Malley:

Fine.

Michelle Madoff:

We could do a vote on Council.

Mr. Woods:

I have a question.

Mr. O'Malley:

I would suggest an amendment that we eliminate the duplication and the additional expense to the garage owners here and I think that would make it easier for this bill to pass.

Michelle Madoff:

Do you want to get through the bill before you make an amendment?

Chairman:

Wait a while. Mr. O'Malley, are you finished?

Mr. O'Malley:

Yes, I am.

Chairman:

Mr. Woods has the floor.

Mr. Woods:

I suppose I should direct this to you, Bob; it came out of your office from Sgt. McNowski. There is some consistency here especially from Allegheny Center Mall and you totalled up to 43, but many of these incidents occurred in the mall and not in the garage and I think that your department is misleading this Council when you send documents like this and say it happened in Allegheny Mall and not in the garage; you have to break that apart and say that happened in the mall or it happened in the garage. Now I have it in front of me and it's from your office and that's not proper —

Superintendent Coll:

I am not familiar with what was asked; I am not familiar with the report.

Mr. Woods:

I want that verified. It was either in the mall or it's in the garage. Now you have the mall, somebody in your office has mall there.

Michelle Madoff:

It's separated on the next page.

Superintendent Coll:

They may have been asked a question. This is the fellow in charge of the sex assaults.

Mr. Woods:

I heard dates that were read and Michelle read them, 1978, 1979, 1980, 1981, that came off that sheet because there are no other dates on that sheet there.

Superintendent Coll:

I don't know what question was asked of the Sergeant.

Mr. Woods:

What we have to do here on this Council, somebody is going to have to come back with some proper statistics saying this happened in this garage at this time on this day, whether it be the Northside garage, whether it be in East Liberty, we need statistics, not a bunch of garble. And also when you name these incidents, 43 incidents that happen say over on the Northside, when you break that down, say how many happened maybe a mugging, rape or robbery or stolen car on maybe Ridge Avenue, California Avenue or Brighton Road, other than the parking lot, how many rapes, muggings, purse snatchings have we had in Market Square? Will we need some kind of statistics to compare one against the other?

Superintendent Coll:

Well, let's put it in perspective. Your point is well taken. Where there is isolated dark areas there are rapes and there are muggings that are not peculiar to malls or garages.

Mr. Woods:

Can I interject something? I understand that Market Square, and I don't know how PPG has been built, there is a very bad place for crime and correct me if I am wrong, it was so lit up it was like walking in daylight, but there was all of these incidents down there. Is that correct?

Superintendent Coll:

There are incidents, but I don't know, there are incidents everywhere.

Mr. Woods:

I am not saying these statistics are wrong or that any other statistics are wrong. I believe we have to have something to compare what happens in a parking garage, what happens out in the street. I need statistics to compare one against the other.

Superintendent Coll:

The problem we had with trying to gather statistics is most of the stuff is computerized and we have such little time on a computer that the only way it is programmed is by a sense-a-track versus address.

Mr. Woods:

Can you answer something? Am I wrong in this? Figure that there are 2,000 911 calls or something like that. How many do we get?

Superintendent Coll:

Probably 270,000.

Mr. Woods:

I realize some of them are fire and some are this. Out of that figure there, is there anyway to say how many of these 911 calls are crimes within parking garages?

Superintendent Coll:

Not without reviewing each and every report from the sense-a-track from where each garage is located. In other words, we would have to say at this garage and this sense-a-track and we have to get all reports from rapes and that sense-a-track and we have to review the reports and see where they happen. We do not have a program to pull out parking garages.

Mr. Woods:

Since somebody pulled these statistics out —

Superintendent Coll:

They got these and apparently she had called the head of the sex squad in the investigative branch and asked for reports on rapes at Allegheny Center. The listing is as following as each assault and rape occurred at Allegheny Center Mall, they list a garage, mall, mall, mall, mall, mall and garage.

Michelle Madoff:

If you turn the page, it's all garage, not mall.

Mr. Woods:

If it's all garage on the next page, how come it doesn't say the same thing?

Michelle Madoff:

It says Allegheny Center Mall Garage.

Mr. Woods:

How come there aren't dates, time and so forth like there are on the front page?

Michelle Madoff:

Because he didn't have the time.

Mr. Woods:

Well, I need that information. Could you get that information for me?

Superintendent Coll:

Well, it's very easy to get information on sex assaults because we

keep separate statistics for that. Because of the sheer numbers of auto burglaries and auto thefts, that has been more time consuming; given a small comparatively relatively rapes towards burglaries numbers there are in the City of Pittsburgh, we can easily break down every address very shortly of all sex assaults, we have that separately.

Chairman:

By the garage, Bob?

Superintendent Coll:

Yes, by the garage. I can do that very easily. I could not do all crime by the garage.

Chairman:

One of the problems I have and some of these fellows suggesting alternatives. The problem is happening, as I recall, somebody from the Golden Triangle said they had 10 out of 200 garages being represented here and then came the other one, somebody had the alternative plan and there where the questions are, whether the alternative should be there? It seems to me as long as you satisfy the safety requirements it ought to be okay.

The next question is, are these happening as something would happen on the street if it's in a garage or are most of them happening in a certain garage? Do we have that kind of statistic?

Superintendent Coll:

Well, again, for the crime of rape, we would have those statistics. Because of the sheer numbers of auto thefts and incidents and burglary from auto, we would have to do quite a bit of research to get that figure. By large, the biggest crime in any garage is auto theft. And

there are some that have more than others. When using dramatics and I think that is dramatic of rape as to point a problem, I can use that dramatic in a street downtown because the only difference is that's the garage and a building is considered by police as non-suppressful because we do not usually routinely patrol or can we see patrolling in those areas. But we do have rapes everywhere and they are easier because of the little numbers compared to theft to obtain where they happen. If you are asking me to have all crimes in garages, it would be a lot of work because of the way they are programmed for a computer and I would have to do it manually.

Michelle Madoff:

Since I am addressing this, may I ask you something? I think what you stated is correct and I think the statement you made just before you made your last statement, hits it on the head. You said because of the nature of garages, there is no way you can really have people constantly guarding. That's why we are asking garage owners to take that responsibility. Would you like your wife going into some of these garages where they had 43 episodes and so on, where they have a preponderance of indicents taking place in the garage? Do you want her going into those garages?

Superintendent Coll:

I don't want her going on some streets.

Michelle Madoff:

Right. But would you want her in garages where there are no guards? Would you like to answer that one?

Superintendent Coll:

I take a precaution.

Michelle Madoff:

I think Mr. Flaherty might give you an incident that just happened very close to him. You are begging the issue. You wouldn't want your wife in that garage.

Mr. Flaherty:

Mr. President, I have seen a recent article in the paper about how in the Golden Triangle the stores there are probably going to experience the greatest shopping boom that they have ever had on the spirit of Renaissance II, and it really disturbs me that garage owners, who are the recipients of a lot of the wealth created through the Renaissance II, come in here and try to kill this bill after they have had the opportunity to meet and after Councilwoman Michelle Madoff accepted their compromises.

It's important to keep in mind the garage owners aren't going to lose anything; they are going to pass any cost down on to the customers. Now what are we talking as far as cost? The Parking Authority statistics which weren't substantiated and which, depending on which set of statistics you refer to, aren't conclusive in the least. One statistic though that seems to be thrown around the most is that it would cost an average parker per day an increase of 47 cents a day which is negligible and which even seems high to me and which was not substantiated. So, if that's the strongest argument, 47 cents a day to an average person who parks in town to pay for the cost of painting and having an escort service or having some kind of telecommunication, I think in my own personal opinion that it's ridiculous and

this Council has spent too much time on this issue.

We have talked earlier about statistics. Statistics don't have anything to do with it.

Chairman:

Tom, excuse me. We are talking about the amendment now.

Mr. Flaherty:

Okay, well, I am addressing what Councilman Woods was asking Superintendent Coll about. Quantitatively speaking, are we talking about do we want 43 break-ins or is it going to be 163 break-ins? I think the issue is, is this Council going to support an issue, a very important real issue for women and for men, but especially for women, when it's up against a special interest group that contributes money to Council members or —

Chairman:

I have no objections to that argument when we get to the bill but we are dealing only with the amendments now.

Mr. Flaherty:

Well, I will hold that then. I will hold it until we speak about the bill.

Chairman:

We are talking about the amendments now because that's the motion and there's a second. We are only talking about the amendments.

Mr. Fein:

We are down to 763.03e at the bottom of page two and there, based on

the suggestion by numerous parking lot operators, we changed the painting requirements to white or a reflective color —

Michelle Madoff:

Excuse me, Marvin. That was originally —

Mr. Fein:

Originally it was a reflective color and it was then changed to white at the suggestion of the Golden Triangle Association. It is now changed back to white or a reflective color to give everyone an option.

Mr. O'Malley:

Michelle on this one here, the one we discussed before. If they have up to five candle lights then that's negligible and they don't have to be white?

Michelle Madoff:

Right. They can be purple, black if they want to. As a matter of fact, one of the garages that I am terrified of, which is the Smithfield Garage, I believe that's the street that faces one of the department stores, each floor there is a different guard, one of them is black and I am terrified of that garage.

Chairman:

Why does it have to be white? Can't it be light?

Michelle Madoff:

It says any reflective color.

Chairman:

It doesn't have to be reflective.

Mr. O'Malley:

It doesn't have to be anything but just the five candle lights.

Michelle Madoff:

That's right.

Chairman:

If it's reflective then it has to throw something back as opposed to the light staggering.

Mr. Fein:

I might offer a suggestion that might — It could be reworded so that it's white or reflective color so that the lighting in every part is five candles.

Chairman:

Why don't you put the word light after white?

Mr. O'Malley:

That's still now what we are saying. What we are saying is if they reach the five candle lights it can be any color.

Mr. Fein:

Right.

Michelle Madoff:

You asked me the question before and I am telling you again; the biggest objections that the garage owners had was the foot candles because in order to achieve the foot candle light of ten, they felt that would be a major cause that would be prohibitive to them. That's why we compromised at five; the darker the color the more foot candles. Why would you want to change the color to a darker

color?

Mr. O'Malley:

That should be a decision they should make.

Michelle Madoff:

I think we are of a common sense and people of good faith and I think what we are trying to do, they suggested the color, not necessarily be white, but what if it's already yellow and blue, we don't care as long as it's light reflective.

Mr. O'Malley:

As long as it reaches the five candles?

Michelle Madoff:

That's right. We accommodated them anyway so you don't have to argue their point. They have already won that one.

Mr. Fein:

On the top of the third page, a very minor change. The word security personnel has been changed to garage personnel. I am not sure what the difference is but that was at the suggestion of the Golden Triangle Association. Again, the Golden Triangle Association suggested that the escort service be for all who requested such service.

Michelle Madoff:

Excuse me. That's very important. All who request it. Then it's not mandatory? Only those who request it?

Mr. Fein:

It's mandatory for the garage to have escort service. It's just not mandatory for a customer to use it.

Michelle Madoff:

Right. But what you will find is that it will not be an overwhelming financial burden is what I am saying. Most people don't request it because there are going to be guards and light and what have you. So, I think that's something —

Mr. Flaherty:

You can put either/or the escort service or the guards and I am not arguing their point. What I am trying to do is get the bill passed so that our garages are more secure. The only point I am arguing is my own, Michelle.

Michelle Madoff:

May I just clear something up on who requested services? That is something I haven't even thought of. They came up with something on their own.

Mr. O'Malley:

What's that.

Michelle Madoff:

Providing escort services for those who request it. They asked to put that in.

Mr. O'Malley:

I don't think they need that and security guards walking around.

Michelle Madoff:

But if they want to have it, I am not going to stop them from having it.

Mr. O'Malley:

Well then that should be a volunteer thing. Some garages told me that they have no problems with the escort service but it would be a double burden to have to provide an escort service and the guards at the same time.

Mr. Fein:

In (k) there is an amendment and the only reason it doesn't show is because the words were deleted but originally there was a requirement that there be emergency phones on all floors and that was deleted at the suggestion of the Golden Triangle Association because of vandalism problems.

Mrs. Masloff:

You mean in addition to all elevators there should be phones on all floors?

Mr. Fein:

It was originally that but that has been deleted from the bill.

Mr. O'Malley:

You mean (k) has been deleted?

Mr. Fein:

No, (k) is in there in its present form but what is deleted is the requirement that there be emergency phones on each floor. It is now a requirement that there be emergency phones on all elevators.

Mr. O'Malley:

There is another suggestion made by people that the phones in the elevators would be ripped out too and they can install alarms not only in the elevator, Michelle, but anywhere in the garage.

Michelle Madoff:

I think the next amendment takes care of all the objections that everybody has now.

Mr. Fein:

No, it doesn't but I think that Councilman O'Malley's suggestion deals only to (k) because —

Chairman:

K has a problem in the sense if it's wide open and not closed so where is the telephone?

Michelle Madoff:

I would have no objections and I think it's a good point to say telephones are a communication system —

Mr. O'Malley:

Or an alarm system.

Michelle Madoff:

I don't know about that. They can be ripped out. I see —

Mr. O'Malley:

If somebody is coming, you push a button and it sends off an alarm and if it does nothing else, it's going to scare them and they are going to run.

Michelle Madoff:

One of the problems that they are having is the kids play with them. Maybe they ought to have a microphone of some sort in it and maybe it can be an alternative method of communication.

Mr. O'Malley:

For example, we have a very difficult time keeping our 911 phones on telephone poles and it's not going to be any easier for the garages.

Michelle Madoff:

Well, according to our Superintendent, we have had very little problem with them now.

Superintendent Coll:

The problems have diminished.

Mr. O'Malley:

That's because we are not replacing them.

Superintendent Coll:

I think there are always problems originally —

Michelle Madoff:

Nothing is going to be perfect. We are only trying to improve the situation and I realize it's not going to be perfect but I amended the bill four times.

Mr. Fein:

The last one only relates to the time problems; certain operators have stated that their lots aren't open during the hours that this bill mandates and what we have said here is that any of

those time provisions which is whether you have a security guard can be waived by the Licensing Officer as long as there is something showing they aren't open then and nobody is parking there then and we have another provide so during those hours there is a waiver granted, there has to be a sign posted warning people that there are not security guards or other personnel on duty. This specifically came up with the situation in Oakland with Carnegie Institute lot; it's left open after 6:00 and is used by patrons of bars and other establishments there. We didn't think it was fair to them to have to pay to have security guards so in that type of situation they would post a sign basically warning people they are parking at their own risk and it is not a parking lot that they are operating during those hours.

Mrs. Masloff:

Who would be the Licensing Officer? What department would be responsible for that?

Mr. Fein:

Lands and Buildings. The Building Inspectors.

Mr. Woods:

There is no Lands and Buildings anymore.

Superintendent Coll:

It will be the Fire Department.

Michelle Madoff:

In any event, to summarize if I may. —

Mr. Givens:

Are we still on the amendment

here?

Michelle Madoff:

I am summarizing the amendments, yes.

Mr. Givens:

I have an amendment to offer. I don't know how to word this now, but when I brought it up a week ago when it was discussed and I have it in here to be a new Section 763.05 that the Board of BBI investigate each and every plot plan in accordance with Chapter 763 as amended for final enforcement on a case by case basis and that each parking lot owner can appeal to the Board of Code Review for variances of this chapter.

What I am trying to say here, and this is just words that I have just put down to be reviewed legally, but what I am trying to say here is, here was an enforcement code; we have specific items of lighting, phones, etc. But we have to appreciate that when we build a building and the building is 50 years old, that we don't come in there and say you have to put sprinkler systems throughout the building. It's just not cost effective.

I think that some place and each parking lot there is no standardization of our parking lots, be they a garage, be they an open lot, each one is independent and separate by itself and looking at it from a security standpoint, that's what I think we are really looking at here and these amendments to this particular chapter is that some place there has to be someone to go down and look at each one of these parking facilities on a case by case basis using common sense and logic as to what can be done to this in order to upgrade but not to the point where it becomes financially uneconomical for that person to do it or security wise because it's an old parking

facility that it might be upgraded in four or five years completely; and that if an individual parking lot owner does not agree to this upgrading according to this particular code, be it by BBI Investigation on a case by case basis then they can go to this Board of Code Review, some 19 ladies and gentlemen who are qualified in all the building codes of the City of Pittsburgh; 19 members sit on this board with all the expertise I think we would need and both security, lighting, the mechanical, you name it, then sit on this board; this board was created for exactly this type of situation and has to be looked at on an individual basis and if we don't do that, I think the economic impact is going to be tremendous and you have to waive that. You have to say economics on one side and the security on the other side.

Michelle Madoff:

We did compromise.

Mr. Givens:

I can go through every building in downtown Pittsburgh and say for my safety I want fire alarms, I want this, I want sprinkler system and everything else, I can say that too. There has to be an agency and the agency is the Code Review to look at this on a case by case basis and give variances and I think here was a Citizens Board that is looking at the security of the people downtown and making variances on what we have in this particular chapter. Is that reasonable? I put that out on the floor.

Michelle Madoff:

No. I am going to tell you why it's not feasible. That's how the bill came into being. We took the bare minimum essentials which has now been attested to that it will now cost more than \$.47 to park to provide just basic lighting —

Mr. Givens:

Per hour, per car or per day?

Michelle Madoff:

Per day and incorporate only minimum lighting, just enough lighting and to have a guard to be there and I would like to know whether you would like your wife and children in a garage that didn't have just that kind of protection?

Mr. Givens:

Well, you are getting very personal; what about me?

Michelle Madoff:

Mr. Givens we are doing exactly

Mr. Givens:

— You don't want this Board of Code Review to look at it and give variances?

Michelle Madoff:

My understanding is the Board of Code Review would be looking at it anyway. There are people that want protection and as people called in on a talk show and said we realize that we can't have everything, but we would like to have the bare minimum and we are talking about \$.47 per car, per day and I would like to think that not one member of this Council might be influenced by any contribution that they may have had in their vote, I would like to think that that is not a fact.

Mr. Givens:

Is there anybody else who has any other views on this Code Review

otherwise what I am saying is that anyone —

Michelle Madoff:

— we have done exactly what you have asked.

Mr. Givens:

Excuse me Michelle, I have the floor now, that anyone that comes underneath this chapter, the amendments that are being addressed here today that there is some mechanism where they can go in appeal, that's all that I am saying. Mr. Fein, legally, can we do this?

Mr. Fein:

Well, every application for license has to be reviewed under law on an individual basis at the present time; that part really doesn't add anything to the application process, all these are the decision of the building inspector or the licensing officer which is appealable at the present time so that also really doesn't add anything to the present process.

What I think your language would do would be to add the concept of a variance being mandated by Council which I do think would weaken the bill to quite an extent, but at present, Council, if this is approved would be granting a variance in the F section by saying that alternative means are acceptable and approved by the license officer. As I read the bill, there will be no variance being granted by Council with respect to the painting with the five foot candles. I think your provision would add that type of variance provision in there and would change the substance of the bill as it currently reads as amended.

Chairman:

On the amendments if we have it, can I entertain a motion?

Michelle Madoff:

Move to approve.

Chairman:

Opposed? Now to the bill as amended.

Mr. O'Malley:

Can I make a suggestion to Ms. Madoff, I will support the bill with one more amendment Michelle; I think and we have talked about it before, the escort or the guard patrolling the garage, I think it's a duplication of services.

Michelle Madoff:

You are free to introduce that and have a vote of this Council.

Mr. O'Malley:

It's your bill.

Michelle Madoff:

I am not going to introduce anything that is going to weaken my bill, if you wanted it introduced, then you introduce it.

Mr. O'Malley:

I would like to make an amendment to give the garage owners an opportunity to either or --

Michelle Madoff:

-- No, it can't be either --

Mr. O'Malley:

-- They can either have an escort service or a roving guard.

Michelle Madoff:

The escort service is for everybody, not just those who ask for them, they would have to provide an escort service, that would be humanly impossible.

Mr. O'Malley:

Maybe only when they request one, because I won't request one, I am not going to have a guy walk me to my car.

Michelle Madoff:

That's not acceptable.

Mr. O'Malley:

I am quite sure Ben Woods is capable of getting in the car by himself.

Mr. Given:

Put your motion on the floor and we will vote it up or down.

Mr. O'Malley:

My motion is to give the garage owners the opportunity to either have the escort service or the surveillance of having guards walk around through the floors, whatever their choice is.

Michelle Madoff:

Then you have completely gutted the bill entirely; if you want to eliminate the --

Mr. Givens:

— I will second your motion for discussion.

Michelle Madoff:

If you wish to eliminate mandatory and they don't have mandatory guard services now and we have it in the bill that they must provide it for everybody and if you want to eliminate the walking of somebody who request escort service, I would except that.

Mr. O'Malley:

Eliminate the escort service?

Michelle Madoff:

Right, do not eliminate the guards roving on each floor.

Mr. O'Malley:

Well, that's why I asked you to make the amendments.

Mr. Givens:

Just cross out escort and put in guard.

Michelle Madoff:

You wish to eliminate the escort service from being mandatory?

Mr. O'Malley:

I make a motion to eliminate Section 763.04i which says all enclosed parking garages with three or more floors shall provide escort service for all customers who request such service.

Michelle Madoff:

Right, now that goes to a vote, anybody wish to second that motion?

Chairman:

It has already been seconded.

Michelle Madoff:

Who seconded it? Nobody seconded it.

Mr. Givens:

I seconded the original motion.

Mrs. Masloff:

Say that again.

Mr. O'Malley:

Eliminate the escort service since we are going to have the guards.

Mr. Fein:

Just to eliminate the I provision on page three.

Chairman:

Everything else will move up one.

Mr. Givens:

I will second that motion.

Mr. Flaherty:

I am opposed and I just want to say one thing.

Chairman:

One thing, can I give you the opportunity to do that when you vote?

Mr. Flaherty:

Fine.

Chairman:

Call the roll, Mike.

Mr. Givens:

Is this on Jim's amendment?

Mr. Flaherty:

I am opposed because I don't believe providing an escort service is going to be a significant cost at all. I believe that parking lot operators are making more than a living on our parking lots and I think if you negate an escort service then you are going to negate protecting women and I see this bill as serving a two fold purpose.

It's to have a guard to make sure that cars are not broken into and it is also to protect women who have been proven prev; we have had women murdered, we have had women raped, just in this past year, big articles in the paper on it. And so if we are talking about pennies, I think we are out of balance and I think the first concern of this Council should be for the safety of the women of this City and not a few pennies expense to garage owners.

Mr. Givens:

I vote aye.

Michelle Madoff:

I would like to point out that this has been in the media for sometime and I am very disappointed that the Mayor's Commission on Women did not see fit to be here and testify on behalf of this bill or offer any suggestions. This is open to the public at large and certainly this is

monies that came out of our budget, we voted for them and I think that is a disgrace.

As far as the issue, the amendment Mr. O'Malley, I respect your right to offer it, however, it has been my experience from using most garages almost daily and I am here speaking grabbing a substation or here going to get a tan or something because I have problem and I will tell you that very seldom as if someone asking for an escort so the amount of money is really so insignificant that I am voting against it and only because it is not a major issue.

Mrs. Masloff:

Are you saying Jim that in lieu of it if you have one or the other in the garage, you don't need —

Mr. O'Malley:

— What I am saying here is that if you have guards roving the facility, then you don't need the escort service.

Mrs. Masloff:

I vote aye.

Mr. O'Malley:

Don't address my colleagues as Michelle Madoff and Mr. Flaherty, that people really ask for escort service. Well, that's just my point, if they really ask for escort service, then it's unnecessary to pay someone to stand around and do nothing; and as for Mr. Flaherty here grandstanding on women being raped in garages, I think that's offensive to everybody at this table. What we are trying to do is promote a bill to encourage safety in our garages. Mr. Flaherty's either all or nothing attitude is a lot to be desired. I think

the idea of having an escort service and guards roving the garage is a duplication of services and I think it is going to put an unnecessary financial burden on the garage owners which are going to be passed along to the customers. I vote aye.

Mr. Robinson:

Aye.

Mr. Woods:

We are saying that if I vote aye on this amendment, we do not have—we will have security guards, but we will not offer the escort service?

Mr. O'Malley:

Right and if I might —

Mr. Woods:

— I would rather have it reversed

Mr. O'Malley:

— The guards could also act as an escort service; after they make their rounds and they are downstairs and somebody wants to be escorted to their car, certainly the guard can escort them to their car.

Mr. Woods:

Aye.

Mr. DePasquale:

Aye.

Chairman:

Aye.

Mr. Perry:

Ayes 7, Noes 2.

Chairman:

Now on the bill as amended.

Michelle Madoff:

Move for approval.

Mr. DePasquale:

Second the motion.

Which motion prevailed.

Chairman:

Now on the bill, have we covered enough that we can talk on the bill while voting?

Mr. O'Malley:

Roll call vote.

Mr. Flaherty:

I am in support of the bill and as I was saying earlier at the inappropriate time I think that this is an issue that primarily and directly effects women and this Council is on record in supporting legislation that enhances the status and addresses the problems of women in this City when it is not in conflict or when it is not the opposite of a special interest. And I consider the parking operators, parking owners special interest and I think they have ascertained their clout politically through political contributions and I think that is very important to keep in mind and I would hope that Council would have the higher concern of what the public good is and not be concerned with perhaps some other issues.

As I was saying when Councilman

Woods was asking some questions to Superintendent Coll in regards to statistics, I am not impressed one way or the other as far as statistics go because I think statistics can't be judged in a quantitative sense. What is the limit, is this Council going to condone 43 break-ins and rapes and not condone 48 or what? I mean its arbitrary to discuss statistics and I don't believe anyone on Council can say what that threshold limit would be to them.

It is also important to keep in mind that garages are not protected now, they aren't the same as City streets; City streets are patrolled by police officers. Garages are the largest outdoor accommodations that the City has and they should have very strict security or at least security comparable to what we have on the streets.

I find it ironic that a very close friend of mine on Monday evening was assaulted in Kaufman's garage on the third floor and I am sure it's on the police records and she was robbed of \$700.00 worth of Christmas gifts. I think especially now perhaps those kind of criminals especially are on prowl, but I think that it's very important for the safety of women in the City for the safety of everyone that may have experienced a car break-in that Council pursued the higher ideal in this.

In closing I want to say that we have the Mayor's Commission for Women and they are addressing the security aspects of women and employment and educational enhancement. Well this is an issue that couldn't be anymore basic to protecting women and I am sure that the Commission for Women would be most supportive of this issue and I would think also that the Mayor's Office is most supportive of this issue.

Mr. Givens:

Aye.

Michelle Madoff:

Since the minute this vote is over we will probably adjourn and will not have a chance to say anything for the record. I will take this opportunity to say obviously I am for the bill because I sponsored the bill that this will not go away and we are coming to the end of the year and we did not have time to get to the people who were here at the original official we only meet one time as Mr. Woods would say hearing and if this bill does fail we will be back next year much more organized with a room full of every group and the women who are part of this bodies to protect themselves and we will get Senior Citizens groups with older people to be here and I will see personally that somehow or other I work out some kind of records with Superintendent Coll who I am sure is an honorable man and will supply those records on a daily basis and if I have to buy the space in the paper I will name the garage where the incident has taken place and leaflets passed out on the streets around the garage because I am going to be a fighter to see that those garages are safe.

And I would like to point out to the garage owners in the audience because this will get back to them that since this has been a major issue it has been vocalized, printed and if you go to court and you may have your insurance, but I think that common sense will dictate that knowing you could have been safer than what you were and you were, you are going to have more difficulty winning your cases and it would not be practical for you to encourage us and encourage this Council because we have gone to bare bones for security and you will be protecting your own invested

interest to do what has to be done in the garages. I vote aye for the bill.

Mrs. Masloff:

Aye.

Michelle Madoff:

Excuse me, for a minute, we also point out which did not come up today, that people say I don't use the garages on calls that came in on stations that asked me to talk on the bill because the garages are not safe, their husbands won't let them go or they won't go in groups. There will be more people using garages if there are roving guards and lighting and therefore there will be no losses on the money that you are going to have to spend to improve the garages, you will make it up because you will get more people.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye, and I think the legislation primarily deals with the safety of — I support the bill, and I think it deals primarily with the safety of women. There are a number of other reasons to keep people coming downtown to shop and to keep people downtown after working hours to shop and I think it is imperative that the survival of downtown business economy that these people feel safe.

Two, I think by your amendment, you made a lot of unnecessary cost and I think the garage owners can live with the bill now and three, I think it's necessary to put the safety of the residents against the few additional cents it is going to cost the garage owners, and not to support this bill now because of the

elimination of unnecessary cost is unconscionable in my mind.

Mr. Robinson:

Yes.

Mr. Woods:

No, and I am not supporting it because I feel it's not going to cost the garage owner of \$.10, it is going to cost the people that use the garage and in using Mr. O'Malley's argument that it will bring people downtown to park, I think it is just the opposite; one of the reasons that everyone cries is because parking is so high and \$.47 a day is not a lot of money when a lot of us, when you add it up, it cost \$2.50 a week, \$10.00 a day, \$120.00 a year and myself, I have a little card and I park for nothing on Council, but there are many people who have to pay maybe \$125.00 a month to rent spaces downtown and maybe they will raise it to \$145.00 and they are the people who can't afford it and that's why I vote no.

Mr. DePasquale:

I only have one comment to make and it's my next door neighbor and she was robbed in front of my house the other day and we are being told time again this is a safe City and am I to demand a policeman for every street and every house in the City of Pittsburgh and I guess that's my only other alternative, I gave my reasons before as to why I am opposed and I still vote no.

Chairman:

Relative to the facts that are before us, let me just say these remarks, but anyone who cares to read the minutes of the Pittsburgh Parking Authority will know that I have been in the forefront of pressing the

maintenance and updating of all parking garages in the City of Pittsburgh and right now there is an active motion relative to that matter and it has been there since I have been on the Parking Authority.

Secondly, relative to the matter before us, in our efforts sometimes to do things, we tend to make everybody else dirty or at least unconscionable when in fact, they are not. The problem of what is before us has not been proved and that is where part of our problem lies in the sense that there is number one, allegedly no one who has the kind of statistics which would back up the necessity of whether or not this should be a Council amendment or whether it needs police enforcement for a minute in which parking garages do these particular crimes take place or is it in every garage?

In those incidents where it does happen, is it one that seems like it seems to be one individual creating a statistic for all garages? From what I can gather and from my experience most garages or at least those under the Parking Authority have been attempting to comply and update and do those things which they think help their business because they need as a practical matter people to come into their garages.

Relative to this matter, if we knew whether or not if it's all garages or just a few of them, we could then concentrate our police or our Building Inspection to enforce some better standard of safety then we have.

Relative to the present bill, it tends to make and treat in my opinion somethings that are equal differently and some of the exclusions and it seems to me if safety is our pursuit then safety ought to apply whether you go to East Liberty and attend the Sears parking lot

to shop or whether you attend the parking garage next door and go in there to shop; it seems to me that should not be treated differently; but I think the key and my major reason for what I am about to do is as follows:

No way in this Council can it ever make sense if we do not give everybody the opportunity that comes here to speak their mind; whether you like what they say or whether you don't in this country we are allowed to do that; it would appear to me that we would have gotten more sense out of the last Wednesday's meeting had we permitted those people to fully say what they were saying. I didn't see anyone in the parking group say they didn't want to do something; they wanted an opportunity to express but in some sense, they were offering an alternative and that offered opportunity still have public safety at which is the alleged intent relative to this particular bill.

It appears to me that in your efforts to help one group, you should at least not without control overly burden the other and I think the alternative that they were suggesting would have gotten us the same thing. No one can come to this meeting and not be treated in the sense that they have the right to speak their mind and if we don't give that right to them rather it be parking lot attendants, whether they be business people, whether they be residents, whether they be neighborhood groups, big, small or from our community or somebody elses community it's totally immaterial, they have when you have a public hearing an opportunity to be heard and it is my personal opinion in this particular instance, they have been denied the opportunity in a fair climate to express themselves. For that reason I abstain.

Mr. Perry:

Ayes 6, noes 2, 1 abstention.

Mr. Woods:

Move to adjourn the meeting.

Mr. DePasquale:

Second the motion.

Which motion prevailed.

(END OF COUNCIL'S REMARKS)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mrs. Masloff
Mr. Givens	Mr. O'Malley
Michelle Madoff	Mr. Robinson

AYES 6 NOES 2

(MR. WOODS AND MR. DEPASQUALE VOTING NO)

(MR. STONE ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 4075

A Resolution entitled, "Resolution providing for an Agreement or

Agreements with a psychologist or psychologists for professional psychological services for the Department of Police."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Robinson:

Mr. President, I'd like to have included in the record a letter I received from Congressman William J. Coyne concerning the general revenue sharing program for 1983.

(LETTER - CONGRESSMAN WILLIAN J. COYNE)

December 2, 1983

The Honorable Bill Robinson
City Council
510 City County Building

Pittsburgh, PA 15219

Dear Bill:

On November 17, 1983, both Houses of Congress took final action on the General Revenue Sharing Program.

As passed by Congress, the bill extends the General Revenue Sharing Program for three years, through September 30, 1986. Funding is set at \$4.57 billion a year. The legislation also provides that a local government would not have its revenue sharing allocation cut for at least a year if the tax base of that unit of government declines by 20 percent or more because of a specific economic dislocation. Further, governments which receive \$100,000 or more in general revenue sharing payments will be required to obtain an annual audit; those governments receiving from \$25,000 to \$100,000 will be required to obtain an audit once every three years.

At a time when local units of government are experiencing economic problems, I think that the Congress acted wisely in extending this legislation which is so important to our local governments.

Should you have any specific questions concerning this legislation, please do not hesitate to contact me.

With every best wish,

Sincerely,

William J. Coyne
Member of Congress

WJC/ccj

(END OF LETTER - CONGRESSMAN
WILLIAM J. COYNE)

Mr. Robinson moved to approve the minutes of Monday, December 5, 1983.

Mr. O'Malley seconded the motion.

Which motion prevailed.

And on the motion of Mr. Woods

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

VOL. CXVII

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No. 50

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA

Tuesday, December 27, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

I'm sorry I missed the previous meeting. I certainly did not intend to do that. It was one of the few meetings in 12 years I've been late for, and apparently my colleagues did not have the courtesy of waiting, so that's their problem. If we may continue with the

business at hand.

Michelle Madoff:

Excuse me, Mr. President, I just raised the issue of your telling me the meeting would be not at 1:30 but at 1:45 as you left because we were late. You're absolutely correct, and they voted on another issue of great importance to me in which I had no input on the vote.

PRESENTATIONS

Mr. Stone presents

Bill No. 4233 Resolution approving the collective bargaining agreement between Firefighters Local No. and the City of Pittsburgh.

Mr. Stone moved for adoption.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

What is the percentage of the pay raise, please?

Mr. O'Malley:

Four percent.

Michelle Madoff:

What was allocated in the budget; was it three point something? Has the Mayor allocated for all the negotiations

of labor?

Mr. Stone:

That one I think is within the constraints that he set.

Michelle Madoff:

I just wanted to know whether the budget is going to cover it. There's no problem on that. The others have not come back yet; is that correct?

Mr. Stone:

That's correct.

BUDGET MESSAGE
OF THE
FINANCE CHAIRMAN

CITY COUNCIL
CITY OF PITTSBURGH

Mr. Stone:

A few years ago, we suggested that if we wanted to weather the fiscal waters of the next few years, our city was in need of some watching.

So far, we have been able to weather the storm, but again, we still need to exercise some caution in the years ahead.

As we cope with stormy fiscal periods, we will have some good news and as well as some "words of caution".

First - the good news!

Council, while increasing the Mayor's proposal by \$2.25 million dollars will, again, provide a NO TAX increase, balanced budget, for 1984. The new budget figure for 1984 will be

\$265,969,743.

There will again, be no curtailment of city services to the citizens.

There will be some reorganization taking place to make City operations more efficient.

But, again, this good news must be tempered with words of caution!

Practically every North Eastern city has fiscal problems, not necessarily of their own making. Being the older Cities, time and wear have caught up to them all and a abit of recycling has become necessary at the worse time - during the fiscal constraints of the '80's.

But - Pittsburgh - is a "few cuts" above every other North East city. In spite of the problems of an aging city, the need to recycle, federal and state cutbacks, and a traumatic unemployment problem, Pittsburgh still manages to forge ahead on an even keel.

To a large extent, we have lost our steel industry. (J and L was once the city's largest employer). We have experienced lay-offs, increased termination of employment and their consequential drain on our city's economy.

This city has changed the composition of its job base. To a very large extent, we are no longer reliant on the steel industry. The city has and will make a transformation, from a heavy industrial base, to a more service based economy.

This city is aware of its limited tax base. It is equally aware of its present inability to get legislative relief.

Being fully aware of these constraints, the city has done more - to

get more - from our present tax base.

We are still reaping the advantages of some of our innovative programs, which are the results of the continued good working relationship between the administration's Fiscal Department and the Finance Committee of this Council.

To cite a few examples:

1. The institution of the "lock box" system, wherein city funds are deposited on the very day of collection;
2. The institution of the landlord/tenant registration bill, - enabling the city to locate more non paying taxpayers;
3. The passage of tax filing legislation, - the mandatory income tax form PGH 40 to enforce tax collection;
4. The acceleration of the collection of withholding tax collections from larger employees, on a monthly, rather than a quarterly basis;
5. The investment and reinvestment of available funds on a daily, rather than on a "delayed" receipt basis, taking the best advantages of the maximum investment opportunities;
6. Intensified efforts to collect outstanding tax receivables particularly in the area of business tax;
7. Stepped up Treasurer sales of tax delinquent properties, designed to collect delinquencies faster.

All of these changes have added considerable revenues from the same tax base - without the need of additional taxation!

This has truly helped the city's fiscal position and stature!

We have not stopped here. In 1983, we have added more "teeth to the bite" of the innovations of recent years, to insure that no citizen pays over and above his/her fair share of taxes.

Taxpayers should not have to pick up the slack of the scofflaw - the non-paying taxpayer.

The new PGH 40 collection system aided by the State reporting system combined with addition of penalty clauses for failure to report - will encourage scofflaws to join the ranks of taxpayer.

From these efforts, \$4 million was raised in this way in 1982 and 1983.

In addition to the PGH 40 programs, we are vigorously increasing efforts to collect delinquent payments on real estate taxes, as well as, traffic violations.

We shall continue these efforts to see that no citizen pays more than his or her share, because of someone else's neglect.

Speaking of neglect, let's turn to our water system.

This administration has brought our water problems to the forefront.

This disclosure, while perhaps not politically advantageous, nevertheless - is responsible!

The problem of our water system will not go away!

The Mayor is to be commended for his fortitude in proposing a Water Authority. The need to rebuild and

finance our water and sewer lines is too great.

This problem is not of this Administration's making, it's been in the making - during many decades of neglect. Today we lose nearly one gallon of every 3 gallons of water produced, in our system and it will cost \$188 million dollars to rebuild and rehabilitate our water system.

To face up to our water problem - will not be easy, but nevertheless - necessary.

The law provides that a public hearing be held before a water authority can be formed and a public hearing has been set for Thursday, January 19, 1984.

POLICE, FIRE AND MUNICIPAL RETIREES

No problem is more disheartening to this Council than the annual appearance of its City's retirees to Council's Chambers.

It is most demeaning to those individuals who have given a full and active work life to this city - in year's past.

We need not belabor the point that they are on fixed and low incomes. Each year the costs of bare necessities increase, but their income remains fixed and low.

Some receive less than Public Assistance recipients!

This year, as last year, hospitalization costs zoomed dramatically for the retirees.

The retiree - older and more likely to need the hospital services - can't do without hospitalization.

In recent years, increases, granted by this Council, did not even meet that year's increased hospitalization costs!

1984's increase of \$36.00 per month for all retirees will go to pay the increase of the hospitalization - the full \$36.00!

It's worth bearing in mind that while these retiree increases are needed and deserving, they will trigger in increase in the city's financial obligations.

Yearly increases, from this city, regretfully cannot become the norm!

The Mayor had protected the 1983 surplus to be \$16 million dollars.

As Finance Chairman, we project that the surplus will be higher and have so reflected that, in our revenues.

It would be wrong not to work towards a surplus, but it would be equally wrong to be overjoyed and feel fiscally relieved over a one (1) year's surplus.

In year's past, in our Budget messages, we advised that the Budget process should be considered in a minimum of a two (2) year cycle.

This city has been reducing its expenditure and work force, without adversely affecting our maintenance of services. With future cuts becoming increasingly difficult and with costs going increasingly higher, surpluses must be generated (even by end of year curtailments if necessary) to meet the following year's expected basic need.

Such will be the case, as we end 1984 and project into 1985!

POLICE MANPOWER

Once again, this year in Budget deliberations, the Mayor and this Council had its "difference of opinion" relative to what is an adequate amount of police manpower.

This year, the problem is more acute. In spite of the fact that our present manpower level is 1284, the Mayor's Budget Proposal for 1984 contemplates no new trainees or hirees.

On the average, we annually lose between 30-50 police officers by retirement. Without any new recruits, our police manpower would be down another 30-50 officers.

1234-1254 police officers is not enough!

This Council was, therefore, again faced with a need to act!

Council has provided for the hiring of a class of 40 police officers by July of 1984, and an additional class by the last quarter of 1984.

Council has provided the ability and funding, but only the Mayor does the actual hiring.

We respectfully request the Mayor to hire the extra police!

As we said earlier, we must all be reminded that the tax base of the city has limitations.

As a "hub city", our city daily provides basic services to twice the number of people that normally live here.

And it provides facilities such as the 3 Rivers Stadium, the Zoo, and the Aviary, plus others — for the entire tri-state area.

And in addition it shoulders the responsibility for hospitals, universities and schools tax free. Their patients, and students are from the county and region, in equal, if not greater numbers, than those from the city, itself.

The State Legislature must act and must give this city — a fair shake — an opportunity to tax reasonably — only those, whom we service, no matter where they live!

The tax would be on the service, not the residence! If the city provides police, fire, EMS, refuse and other protections of people and property in the city, when they are here or have property here, why shouldn't they be taxed reasonably (even if less than city residents).

We don't expect or desire a non city resident to pay our share or carry any of our burdens.

We have carried — more than our load — too long. It's time Suburbanites, who work in the city — pay something more than a pultry \$10.00. It's also time for Suburbanites who use city services or facilities, for free, to pay a portion of the expenses.

We, again, commend the Mayor on his continued efforts to pursue equity, in Harrisburg, and we welcome his alliance with Mayor Goode of Philadelphia, in this effort.

We need the State Legislature to give us the power to tax these non contributing Suburbanties.

In conclusion, we have, during our Budget deliberations discussed openly our strengths and our weaknesses.

But — it's time now, again — to "shift the sand in the strainer", and see

the results.

It's become clearer that this city is meeting its problems head on, and addressing its needs - openly and responsibly.

While it has not been easy for us, as it has not been easy for other cities in the North East, we still remain a "few cuts" above - all the rest, because of our steadfast resolve to get on with solving our problems.

Again in 1984, this city - our city - the City of Pittsburgh - looks to the future with great anticipation.

I hereby recommend that the City Council of the City of Pittsburgh adopt - our 1984 NO TAX INCREASE BALANCED BUDGET, - and I urge the Mayor of the City of Pittsburgh to accept our recommendations and revisions and to approve the 1984 Budget.

Respectively submitted,
December 27, 1983

ROBERT RADE STONE
Finance Chairman

Michelle Madoff:

Mr. President, I realize we are at zero hours, that we must vote. I'd like to take two items that I feel very, very strongly about and ask Council to amend them, because we're voting final vote now; we can still change them.

My first item of concern is the Personnel Appeals Board. I have no objections to their getting \$100 a day, per diem. The Mayor said \$150 a day. I have never criticized the work of the board or the quality of the work. Nor the result or the effect of work that had

been undertaken. What I do object to is payment for non hearings. I would object to \$100 a day, per day, which would come to more than \$20,000 a year if hearings were held daily. It is unconscionable, knowing there haven't been any hearings to speak of. We would vote a ghost salary to a phantom board.

It was Dr. Krauss and others contend the board can be put to greater use and more hearings held because of a need, which others say doesn't exist. Then \$100 a day compensation is more than fair and equitable. As, I said before, that would come to better than \$20,000 a year. Anything more is a political vote to a ward chairman. I urge my colleagues to go back and make that a form of motion to \$100.00 a day, per diem, or if you want to stay at \$150 a day, I'll accept that, but a per diem vote, which comes to more than \$20,000 to \$25,000 a year, if indeed they hold hearings every day.

I think we cannot allow this to stand. I make that as a motion. Does anyone want to second that?

The Chair:

Is there a second to the motion? There being no second, the motion fails. Your other motion, Michelle.

Michelle Madoff:

Secondly, due to budget procedures we were informed rather rapidly that in 1983 with new technology, we were all going to get a \$53,000 computer terminal in our offices. In my office I have an Administrative Assistant who did tremendous work, for example on the garage bill, spent six months on it. Her name is Carmen Guenther. I have another young woman by the name of Linda who is not here at the moment; she gets \$3,000 a year for coming in three

days a week. We've never had anybody in Council and I certainly have never had the use of an independent, non political, bipartisan, fiscal advisor. I would have liked the salaries for our help to have stayed at \$40,000. I was not here because as you told me, Mr. DePasquale, the meeting would be at 1:45. It was voted on at 1:30.

I would like, therefore, to present to this Council, that in light of that \$53,000 thing assigned to us, in addition and above all the other moneys for a terminal — I have no objections to my aide going into the budget office and looking at that terminal, and I'm sure that some of my colleagues who've supported my bills and I've supported theirs would not object to my using their terminal for my own information. I hope these computers are not going to be used for our own elections for stocking information in word processors.

I would, therefore, like the allocation of that \$53,000 over three years for me, I don't want it all. All I want is the difference of \$5,000 a year. My \$53,000 — if I take \$15,000 of it, I would like the right to use that \$15,000 for a fiscal advisor to my office. I want to go out and hire a graduate student with a degree in economics and municipal government on a part-time basis. I would need that much more than a terminal and a computer, because what good is it to have input if I don't know what to do with the input. I have a year of accounting. I'm probably the only person here at the moment other than Mr. Robinson who is — you do have a degree in economics; is that correct, Mr. Robinson?

Mr. Robinson:

No.

Michelle Madoff:

But you did study economics?

Mr. Robinson:

Yes.

Michelle Madoff:

That is correct. We're probably the two that have some formal training that I know of. There may be others that are out there training. You know there's an old expression, garbage in, garbage out. I want to know that the information that I'm being fed has some meaning and can be checked. I would like to ask this Council to permit those of us on Council who do not wish to have the \$53,000 for a terminal to lower our figure. I have a small word processor, I use a little one — and be able to use the money, \$5,000 that was cut out of the moneys for staffing to use for economic or staff that I feel is desperately needed, for a fiscal advisor and a fiscal analysis in my office. Would anybody second that motion?

Mr. Givens:

I'll second that motion for this reason and I think possibly maybe some Councilmembers can share this particular —

Michelle Madoff:

Right, and would you like to share that fiscal person with me? We need to hire them.

Mr. Woods:

It's only \$53,000 total for all nine members.

Michelle Madoff:

That's what I wanted to get straightened out.

Mr. Stone:

It's designed to get the word processor, plus budget, plus your use as a typewriter as well.

Michelle Madoff:

Excuse me, give me that again so that I am sure of it now.

Mr. Stone:

It includes everybody.

Michelle Madoff:

\$53,000 is over three years. It gives us just a terminal; is that correct?

Mr. Stone:

It gives you a CRT key, which is going to give us budget information right off, which everybody seems to be saying up until now, at least, they wanted it, now this gives you the ability to have and at the same time, since you have the CRT, plus the typing mechanism, it also gives and that's why it was thought to be economically sound that you have the ability to use it as typewriter or a word processor at the same time. It's the same device.

Michelle Madoff:

I have no quarrel with that. Let me just break that down. You're saying if we break it down to each Councilperson, how much does that work out to?

Mr. Stone:

Divide nine into that year; it's \$53,000.

Michelle Madoff:

Pardon me?

Mr. Stone:

By dividing \$53,000 by nine in that year.

Michelle Madoff:

And that works out to?

Mr. O'Malley:

\$5,800.

Michelle Madoff:

\$5,800 over three years? That's all it is is \$5,800 over three years.

Mr. Woods:

It's a one-shot deal.

Mr. Stone:

No, it's over a three-year period.

Michelle Madoff:

Wait, is it \$5,800 each year or \$5,800 —

Mr. Stone:

It's for a three year-period —

Michelle Madoff:

\$5,800 over a three-year period, divided by three, then; is that correct, Mr. Stone?

Mr. Stone:

You divide the figure in the year is \$53,000 divided by nine.

Mr. O'Malley:

Approximately \$5,800.

Mr. Givens:

My point that I wanted to bring out

Michelle Madoff:

Wait, I'm not through, excuse me —

Mr. Givens:

I thought you were through, I'm sorry.

Michelle Madoff:

So, what you are saying is that approximately we're getting about \$1,500 a year; is that correct, Mr. Woods, Mr. Stone?

Mr. Woods:

No. \$5,800 a year for three years.

Michelle Madoff:

You said one thing; he said something else. Mr. Stone is now saying it's \$5,800 a year for three years.

Mr. Stone:

I said that before.

Michelle Madoff:

I'm asking for the right to use my \$5,800 not for a computer terminal, but to have a — we have a word processor, which is not very good, it's breaking

down every other day, to get a better machine, which I could get anyway just by ordering it, and to have my aide and the woman that works for two extra days who is already learning the computer and to be able to put the difference of the money towards my fiscal advisor. In other words, what I'm saying is I'd like the right to use that three times roughly \$5,800, that's what? \$20,000? I'd like the right to use that to the best use of my office for the best use of my constituents as opposed to having to use it for a terminal printout. Why would it make any difference to the members of Council if I wish to use it in a more effective way for me so that I can be more functional in my office? Do you have any objections to that, Mr. Stone?

Mr. Stone:

If I thought we shouldn't have had it, I wouldn't have put it in the budget.

Michelle Madoff:

I didn't ask you whether you thought we should have it. It is your opinion you should have it. I'm saying would you mind if I use my allocation of those dollars for other uses in my office?

Mr. Stone:

That is provided for everybody. If they want to reject it, they can, but it's provided for that purpose. If they want to use, they can.

Michelle Madoff:

But if I don't want to use it for that, I can't use for anything else; is that correct?

Mr. Stone:

Well, I don't see that's in the budget.

Michelle Madoff:

Well, then I'm asking you, can I use it for anything else I wish to use it for, providing it is for the good of the City and for my office?

Mr. Stone:

It's all to be on a purchase order, which has price considerations tied to it because of the way it's being purchased.

Michelle Madoff:

In other words, my three times 58 is going towards the purchase of the equipment, is that what you're saying, and that there wouldn't be enough money to buy the equipment?

Mr. Stone:

You've asked me three times. I gave you the same answer. If you ask me ten more times, I'm going to tell you the same thing I gave you the first time.

Michelle Madoff:

The one question I just asked you, you did not answer. If I voted no on that and if there were enough votes on it to be able to alternate the dollars, then you wouldn't have enough money to buy the equipment; is that correct?

Mr. Stone:

The way they're buying it in bulk ends out being a price consideration. It ends out tying it all together as a result. They're all coming off of one terminal; it's all connected.

Mr. Givens:

Can I inject one food for thought right in here? We have \$40,000 and looking at our own clerical aide

assistance back there right now, they are now getting \$19,840. To give them the normal four percent raise would put them close to probably \$21,000; at the \$40,000 that would then leave somewhere around \$18,000 or \$19,000 —

Michelle Madoff:

They voted down to \$35,000.

Mr. Givens:

Oh, excuse me. That would then leave us with the \$35,000, and what that person gets in increase for down lower than \$14,000 for that person, that's going to come on board and be doing almost the same type of work as the word processing operator that makes \$16,019 without the four percent pay raise.

My recommendation and suggestion would be that that new person that comes on board gets the same wages as the word processing operator, which would be \$16,019 plus the four percent increase, and that way they would at least be equal to the people that are in this Council doing the same type of work; and I make that as a recommendation.

Mr. Stone:

I think we have two different motions, don't we?

Mr. Givens:

I make it as a motion, then.

The Chair:

Well, we have a motion by Michelle Madoff.

Michelle Madoff:

I assume my motion isn't going

anywhere, because I presume I didn't get a second for it.

The Chair:

You did get a second. Mr. Givens

Mr. Givens:

I got a second, and I think you can take from that particular thing and have sharing of one of these units --

Michelle Madoff:

Yes, I would love to share one with someone.

Mr. Givens:

I would rather just have the unit itself and be able to hire somebody that's going to be able to do the work, otherwise, we're going to be looking at someone at \$14,000 or less, and I don't think we're going to get anybody with that type of --

The Chair:

On Michelle Madoff's motion, the second, question called for.

Michelle Madoff:

Which motion, mine or Mr. Givens?

The Chair:

Yours.

Mr. Woods:

If you would buy only eight terminals or five or six, whatever you would buy, and the other ones say, well, here's \$15,000 to spread over three years, the fourth year someone's going to come in here and say, I want a terminal

now, I didn't have it, and nobody was allotted that money, and you're going to end with nine eventually. So you might as well just go and buy the nine right now and end that subject, because it's going to end up with nine next year or somewhere down the road, and someone's going to end up taking money and use it where they weren't supposed to use it, where it wasn't designed to be used in the beginning.

Michelle Madoff:

You're talking about somebody who's coming --

Mr. Givens:

That's what I'm saying, Ben, just the processors, but get people who can operate the processors. Michelle said one thing; it was good food for thought. I think if you're going to hire somebody, you have to hire somebody capable of running that particular machine. If not in our own budget we're giving these people, the word processor operators, they are now at \$16,019, let's bring these people in at that same amount plus whatever the four percent increase, and they'll be a full-time City Council worker with the rights and benefits.

Mr. Stone:

That's why the \$15,000 was there for that operator. I don't know what more you want from --

Mr. Givens:

Well, it was \$20,000 for an operator. At one time it was cut back \$5,000 at the session here, so that leaves \$15,000 for that operator, plus you have increases for our existing researcher in there. That money has to come from someplace, unless that's going to be handled differently. I don't know, even then your

\$15,000 — you're still about \$1,000 behind what we are now giving our word processors. You have to give us the tools to work with and when that cut come in — but I feel that the —

Mr. Stone:

Call the question, Mr. President.

Mr. Givens:

— but I feel that the \$15,000 —

The Chair:

The question was called for a half an hour ago.

Mr. Givens:

Excuse me, wait a minute. Let me finish speaking. Now, a lot of people spoke here today. I've done very little speaking whatsoever. I'd please like to carry out my thought and, then I'll wrap it up if I'm too long. So, again, my motion is that we give that person that's coming aboard as our assistant the same amount of money as we give the word processing operator with all rights, fringe benefits, and etc., that that title will incur.

The Chair:

Now, can I call for a question of vote?

Mrs. Masloff:

What's the question?

The Chair:

The motion, Michelle Madoff's motion.

Mrs. Masloff:

What?

Mr. Stone:

She's pulling back —

Michelle Madoff:

I withdraw my motion.

The Chair:

You withdraw your motion. The second is withdrawn, okay.

Mr. Givens:

I make a motion to increase the salary about \$1,000 per individual Council member to bring a person on board that's going to be doing the work that our existing staff is doing right now.

Michelle Madoff:

\$35,000 back to \$40,000.

The Chair:

Is there a second to Mr. Givens' motion?

Michelle Madoff:

I think we might need to understand it. Are you saying we'd go for \$35,000 to \$40,000 as we were?

Mr. Givens:

No. I'm saying we're going to go really from \$35,000 to about \$36,000, some amount, whatever the four percent is.

Michelle Madoff:

\$37,000, I don't know. What are

you asking for?

Mr. Givens:

I'm asking that the person that comes on board will get the same amount of money as in our budget, line item - word processing operator at \$16,019, without the percentage entry; that's the motion.

The Chair:

Is there a second to the motion?

Michelle Madoff seconded the motion.

The Chair:

All in favor of the motion, roll call vote.

Mrs. Masloff:

No, I think you can get somebody for \$15,000 or \$14,000.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. DePasquale
Mr. Givens	(Pres't)
Michelle Madoff	

AYES 4	NOES 5
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VOTING NO:

Mrs. Masloff	Mr. Stone
Mr. O'Malley	Mr. Woods

Mr. Robinson

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

REPORTS OF COMMITTEES

Mr. Stone presented

Bill No. 4234

Report of the Committee on Finance for December 27, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4098

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1984."

Which was read.

Also,

Bill No. 4099

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1984."

Which was read.

Also,

Bill No. 4100

A Resolution entitled, "Resolution

Adopting and Approving the 1984 Capital Budget and the 1984 Community Development Block Grant Program."

Which was read.

Mr. Stone:

Call the original question, Mr. President.

The Chair:

On the original question all in favor aye, opposed no.

Mrs. Masloff:

What's the question?

Mr. Stone:

On the budget.

Mrs. Masloff:

On the total budget?

The Chair:

On the total budget. Do you have any discussion? Do you care to discuss anything on the budget?

Mr. Stone:

No, Mr. President, enough of that. Let's start the vote.

Mrs. Masloff:

I just want to say that I'm going to vote in favor of the budget, but I want my views and opposition to the Council salary increase to be recorded. As a responsible member of Council, I feel that it is imperative that this budget be passed in order to maintain City services and that the employees can be paid.

The Chair:

Well, to that respect, Mrs. Masloff, again I want to apologize for not being at the meeting. It was my fault I was late; the starting of the meeting was something else.

In regards to the Council salary pays, I've never seen such a furor raised in all the City of Pittsburgh in all my 12 years in Council, and I refer to newspaper, radio talk shows, TV, talk on the street, and what have you; and when I came into this Council hearing today, I had an open mind, I really did. I voted for \$40,000 although I said I would vote for the majority, but I didn't think \$40,000 was a proper amount. I thought it was much too high.

I've always felt that Council members should get the same pay, but it was Councilman Flaherty a couple of years ago that introduced a resolution, went to the ballot box and was defeated. I voted for that resolution because I couldn't see any other way of it being done fairly. Once we all get the same pay you all get the same pay then leave it up to an arbitration board or commission, however the electorate wants it done to set the salaries, based on cost of living or whatever.

I was inclined to say let's split the difference and give half of the raise and take half away, but the more and more I thought of it, and before I got here today, I was determined to say that I was going to vote for \$32,500; and go and side along with Councilwoman Masloff. In all fairness, Sophie has never said a word to me about this pay raise and I've never said too much to her, because when I leave this room, I like to leave it right here. I hear enough out in the street just as you do and everyone else. Now, it's moot; I understand it was almost a unanimous vote, but I couldn't

leave here with people under the impression that I was going to dog it. I just feel that that's too sizable a raise. I think \$5,000 is well in order, and that's what I would have voted for.

Now, question called for on the budget itself.

Mr. Flaherty:

Aye, and I think that the vote that Council had to make on the pay raise was a fair vote. I think it was an inequitable system and I will say that until the cows come home, that Sophie Masloff's amendment was the most inequitable amendment that I have ever seen in my entire eight years in public office, because her group was already ahead in the money category, and if that freeze would have gone in, her group would have aggravated the situation even more and in 1985 would have gone once more ahead. So what she wanted to do was have it coming and going and totally freeze the other half of Council, and I think that's a wrong way to treat anyone.

The Chair:

Well, I have to disagree with you, Mr. Flaherty. I didn't believe that was Mrs. Masloff's intentions. Now, you're entitled to your rights; she's entitled to hers. She has her say and you had yours.

Michelle Madoff:

Before I cast my vote, I just want to say that this budget reflects deferring the day of atonement. Our kids are going to be confronted with the fact that the debt service on the City, not counting the new water and sewer authority, which no doubt will come into being, is already three quarters of a billion dollars. We're going to have a water and sewer authority, and I think Mr. Stone used the figure of \$188

million.

Ever since I can recall having brought this very vocally to Council, that was when I introduced the \$40 suburban tax which was on television with one of the — I think Channel 11 about five years ago. The Mayor talked about \$40. He's gone to Harrisburg and he's testified. He's tried to make alliances with the political powers. It isn't going to happen that way. It has never happened that way. You can never get 102 votes from legislators. Voting themselves out of office, they run every two years; they run, they rest and they run; and they're not going to vote against a constituent.

In order to have a commuter tax, in order to have metropolitanism, which is what I favor, you're going to have to get the corporate leadership together and you're going to have to get them to make a commitment to encourage their employees who have jobs in the City to pay those taxes so that they don't have to have the burden of paying the deficits; because when I go out to speak now and I use the figures of \$350 million for unfunded pensions, \$40 million for workmen's compensation, \$223 million for the borrowed debt on capital, there's \$228 million fixed deficit, which is over three quarters of a billion dollars, people turn to me and say no, no, you don't mean City; you mean county. I say no, I don't; I mean City.

I think it's important that we don't deceive ourselves and believe our propaganda. When the Mayor gets up here — we have a pro forma. It's sort of a pageant where he's escorted in, he makes a statement, and he's escorted out; and there's no time or room for discussion, and the day and the morning of that hearing is not the time to do it. The fact remains that our children and their grandchildren, if they choose to stay in this City, will have such a burden

that it will be unbelievable; and now with the school tax going up we'll see such an exodus to the suburbs that those of us who stay in the City are going to pick up the deficits.

Somehow or other in the coming year the priorities of this Council must be one, jobs, because jobs in turn will generate taxes, or else we'll do it through abatements or other innovative ways; and two, we've got to do something like — I wholeheartedly agree with my colleague Mr. Stone about police. You talked to — the story this weekend about North Side, they were going to try to bring people to live like most cities do in the downtown area. You won't bring them without police, without police protection, and so, in the real world, that isn't going to happen.

I think the third thing that we're going to have to do more than anything else, and I would hope that I can join with one of my colleagues whoever is willing, because that figure from \$40,000 been cut \$35,000, pool our resources and hire somebody who's really knowledgeable in fiscal expertise and economics and government, and really start to bring some sanity into the public sphere of knowledge. The public doesn't know, doesn't understand, doesn't comprehend that when we go to the Chamber of Commerce annual bash and the Mayor gets up and says we are one of the few north eastern cities in such great shape, we are not in great shape. We have 129 spokes feeding off the hub, and as long as that goes on, we can go down the tubes just like the Big Apple and other cities, and we are approaching that; and it is going to be a disaster if we see a mass exodus out of this City.

I can talk about my own personal experience of selling my home. I sold it to somebody from Washington. It was on the market for eight months. It was a

magnificent home. I had to take almost a 75 percent lowering of price of what it would have been two years previously.

The Chair:

Michelle.

Michelle Madoff:

I'm winding up, Mr. President.

The Chair:

Michelle, it seems you've discussed all this before.

Michelle Madoff:

I know we've discussed it before, but I think it's important for the record that we have really played somewhat of a charade in that we really have not got across to the public the serious nature of the fiscal problems of this City; and I would hope the media, forgetting personalities, forgetting whether they like what somebody says or how they vote one day and vote the next day, we'll really do an in-depth study of the fiscal problems of the City and we'll start to educate the public so perhaps we can do something with the corporate leadership before it's too late.

With that in mind, we have no choice but to vote for the budget; so I vote aye.

Mrs. Masloff:

Aye, with my previous remarks recorded.

Mr. O'Malley:

Aye, and I'd like all my remarks from this afternoon brought forward.

**(COUNCIL'S REMARKS FROM
WEDNESDAY, 12/21/83)**

Mr. Woods:

On 4099, Mr. Chairman, I would like to make a recommendation to reduce that figure from \$40,000 to \$35,000.

Chairman:

Okay. I have a motion to reduce the \$20,000 to \$15,000.

Mr. Robinson seconded the motion.

Mrs. Masloff:

Opposed.

Mr. O'Malley:

That's a reduction from \$40,000 to \$35,000.

Mrs. Masloff:

On 4099, that's all. Oh yes, Mr. President, in line with my personal feelings and with the views of the majority of the workers from this area, I would like to offer an amendment to Council's salary proposal and move that the salary increase in the five newly elected Councilmembers be amended to \$5,000 instead of the \$12,500. This would equalize all Councilmember's salary at \$32,500 as parity with the Councilmembers.

Michelle Madoff seconded the motion.

Mr. Flaherty:

Wait, wait. I'm opposed and I want to state my reasons for opposition.

What that is doing is that would give parity in the sense that all members

of Council would receive \$32,500 but when you see that in the long run of things, you'll see the gross inequities in what this amendment will do.

Now, I have over here on the board — this is very important. You have to follow. What you have over here —

Chairman:

Hold on. I just want everybody to understand that we're conducting a meeting here today and everybody will conduct themselves accordingly.

Mr. Flaherty:

What you have over here on the board is the salary of Councilmembers from 1978 through 1983, and what the salaries were for each of the two groups. We are all aware that we are on staggered terms.

Now, prior to 1978, Council had a uniform salary. All members made the same amount. The reason why that was changed was the enactment of the City Home Rule Charter which said that a member of Council cannot receive a pay raise during their term of office. Well, since Councilmembers are on staggered terms, that's how we came with the staggered salary.

Now, prior to 1978, the salary was \$20,000 a year. So, in 1978, the group that went out of the block first was group number one, which now consists of Councilwoman Masloff, Mr. Robinson, Mr. Stone, and Mr. Woods. They went from \$22,500, the pay raise only going to them for the first two years, '78 and '79, and the members in group two were at \$20,000 a year. So, then, in '80 it was this group's time to get a pay raise. This is going to show how stupid this system is. So, they went to \$27,500 and this group still had two more years to remain

on their salaries of \$22,500. So, they stayed at \$22,500. So then, when it came up two years ago, this group leaped frogged over again and made \$32,500 for two years and they will continue to make \$32,500 for '84 and '85. Okay. Now, what is wrong though, if you go to \$32,500, what the problem is is that you have not had equity as the sponsor of the amendment has said. This group has made \$5,000 more per Councilmember since the staggered system went into effect than this one. Granted, that's not much, but that isn't the way laws -- that shouldn't be the foundation for laws because it's just going to get worse as you go down the line. But what is more -- but in a sense means most with the inequity of the thing, is this group is going to get it coming -- there is no equity yet -- and going because what you're going to have is this group is going to be stuck at \$32,500 for the next four years.

Chairman:

Hold on. I want everybody to understand that we are conducting a meeting. We will not have any outbursts. We're conducting a meeting.

Ma'am, we are conducting a meeting. This is not a public hearing. This is a meeting.

Mr. Flaherty:

Okay. So, this group -- since the Charter says you can't receive a raise during your term of office, this group which is Mr. DePasquale, Mr. Flaherty, Mr. Givens, Mr. O'Malley, and Mrs. Madoff, this group is going to be at \$32,500 for the next four years because they can't get a raise during their term of office.

With this group, which is already ahead of this second group, is going to

\$32,500 and then in '86, they are up for a pay raise because they start a new term.

And so, we don't know what they are going to get but I'll guarantee you this, no way is this Council -- and anyone who tells you they aren't is not telling you the truth, I don't think.

You can't be naive on this issue. No way is this Council then up in '86 going to keep their salary at \$32,500 because then they would be freezing in at \$32,500 for four more years. You have to understand this system. And so, actually, you would be up to 1982 at \$32,500. Now, you have to change the system.

Chairman:

Tom, please. You're talking to Council. Don't aggravate the problem.

Mr. Flaherty:

You're correct, Mr. Chairman.

And so, that's why I urge my Councilmembers to vote this down because it is the most inequitable system that you can have and it is putting five members of City Council at a dire disadvantage of what four other members are going to have. You have to have uniform pay. And this is why this is bad, and that's why Council put a referendum on the ballot two years ago, to get the uniform pay.

Now, this may look like a quick solution, but what you're going to do is we will have the public off our back for two years, but you're going to have to go through this in two more years, because in two more years in no way, I think, I think members of Council would agree -- Sophie, would you agree to keep your salary at \$32,500?

Mrs. Masloff:

If I'm here in '86.

Mr. Flaherty:

What the issue was, Sophie, is when you were making \$22,500 you took a \$10,000 to bring you up to \$32,500 and some of these people voted for that out of a sense of equity for this group. Is this not correct?

Mrs. Masloff:

Yes, but I was two years behind them, and it was wrong then, and it's wrong now. You can carve it in cement that if I'm here in '86 I will not vote for a raise.

Mr. Flaherty:

Wait a minute. We got a debate on this issue and we're going to get to the heart of the issue, and we're not going to be playing politics. You come up and you show me how you have equity when you have made \$5,000 more than this group and when you're going to take it in the future.

Chairman:

Mr. Flaherty, I think you made your point. Mr. O'Malley.

Mr. O'Malley:

I want to pick up on Mr. Flaherty's point. Okay. I realize it's snowing outside but we are also getting a snow job inside too and I think everybody at this table ought to realize what is going on. As Mr. Flaherty said, two years ago, we voted for a \$10,000 raise for Councilmembers. At that time, everybody, including Mrs. Masloff, voted for a \$10,000 raise. Now, all of a sudden, she's coming up for re-election

and she's interested in parity. Well, she should have been interested in parity two years ago.

Mrs. Masloff:

Conditions were different.

Mr. O'Malley:

Let me tell you exactly what the conditions were two years ago.

Michelle Madoff:

Worse than now.

Mr. O'Malley:

Two years ago, inflation was at 8.9 percent. The year before that, it was at 12.4 when you were discussing your raises. Inflation is down now to 33.7 percent, so conditions are a whole lot better now than they were back when we voted \$10,000 for you. Let's put a little honesty and truth into this Council session.

Myself and Michelle Madoff, two days ago, voted against a raise for the Personal Appeals Board. That's a board that hasn't heard a hearing in 22 months. Mrs. Masloff voted for \$8,700 a year for them and they might not have a hearing for two more years.

Michelle Madoff:

For her friend.

From the Audience:

Well, we don't need them.

Mr. O'Malley:

We don't need them. Myself and Michelle voted against them. So, let's put a little honesty on this table.

Chairman:

Mr. O'Malley, let's deal —

Mr. O'Malley:

No. If they want to play hardball, we'll play hardball.

Sorry to steal your —

Mr. Flaherty:

If I may close. All I want to say is this issue has created so much frustration and the frustration, there is no doubt about it, but what it is is it's the structure that is causing a lot of the frustration. It's the Home Rule Charter. You have to change the Home Rule Charter, or you're going to have this every two years and the only way you can change it is to bite the bullet now, and establish some kind of equity between these two groups without putting this group that is already behind further behind and then coming in at '86 — I can't see how anyone in personal good faith can do that and then come in in '86 and vote another pay raise for —

Mr. O'Malley:

Can I make a suggestion that Sophie withdraw her motion and we make another motion?

Mrs. Masloff:

No, I'm not withdrawing my motion.

Mr. Flaherty:

I think the facts speak for themselves, and if any members of Council can come up and change these facts, I want them to —

Chairman:

Tom, you proved your point. Mr. Givens.

Mr. Givens:

Back two years ago when we were looking at the Council as a body, all of us unanimously voted for that \$32,500 pay raise which was an increase of some \$10,000 for the four people on that board.

If we do not give a pay raise, and regardless of that I'm a recipient of that pay raise, this two years down stream, it means no difference to me and that some type of parity be given to our frustrations and our problems that we have before us. I think all of us again are going to go back to the drawing board, and I am going to recommend right here and now that we put a referendum on the agenda for this coming year that will be effective in the year 1985, for the fiscal year 1986 wherein all the Council people will come up at the same level at the same time. Now, how can you do that? There is only one basic way that I think you can do that, and that is to go at \$37,500 for a period of two years and have a referendum before — that would then give parity to all the Councilpeople and will be earning the same amount of money, and that is the only reason I bring that motion forward, and it's not in a motion yet because we have one before us, but that is the only reason I bring that motion forward, and then in that two year period, we will be equal and hopefully that these citizens that are out here today will go back to that referendum question that will be proposed by all of us—not just by Dick Givens, but by a majority of this Council and propose it, adopt it, and put it on the ballot, and have the people vote on it, and then that way we will be—it will be

much advantageous to the public because as we come up for election then you can review what we have done for the last four years, the last two years. I'm trying to bring parity, and as Tom indicated, inform the among our Council peers because to do otherwise causes friction I feel within this Council. I would hate to be—for example, for two members that cannot sit at this table and make judgment, but if they were carry overs, I wonder what their position would be on this. And see how the vote goes down. I think you'll find that the vote is going to go down—all we're looking for is just parity, and I think \$37,500 for two years will bring it, and the people out there will have a right then to vote on this referendum and be effective come January 1986, we're all in the same barrel at the same time and from there on in you can see what is going to happen to us, and then if Council does anything over and above board, you have that right to shoot them down at the ballot box, and that's where it should be.

Mr. O'Malley:

If I might, Mr. Chairman, if we're talking about fairness and equity, and everybody at this Council table realizes that the system doesn't work, none of us like to sit here and put up with the abuse as elected officials that we have put up with today. I know it hurts me and everyone of my colleagues.

From the Audience:

You started it. Remember that.

Chairman:

Hold on here now. Hold on Jim. We will do nothing more until we get some quiet in this room.

Michelle Madoff:

Could we also get Mr. DePasquale in this room.

The Chair:

Hold on. There will be no discussion until we get some quiet in this room. Mr. O'Malley, you have the floor.

Mr. O'Malley:

I'm finished.

Michelle Madoff:

No matter what I say, I'm going to pay the price because you're not allowed to make a mistake and you're not allowed to be human. You're not allowed to say that I made a mistake and I change my mind.

I just had one of my aides call the Law Department, Marvin Fein, and he said that the salaries would not automatically increase from \$27,500 to \$32,500 unless—Council must vote to raise because December the 31st. I'm at \$27,500, and so are four of my other colleagues, so in order to go from \$27,500 to \$32,500 we must vote. We can vote it keep it at \$27,500 until 1987 because that is the term would expire of the people who would be frozen, and the other Council members, the other four, Council would lower the salaries for Sophie, Mr. Robinson, Mr. Woods and Mr. Stone's salary to \$27,500.

The Law Department says that that couldn't take effect until January of '86. You can't change it. We want to vote them down under law, even if they agreed it cannot come down to 1986 unless we want to voluntarily donate that back to the City. So, that leaves me with a question. I would like to ask Sophie if she will accept an amendment

to her motion to reduce her salary to \$27,500.

Mrs. Masloff:

You said we couldn't do it.

Michelle Madoff:

We can do it, and we can donate the money back to the City. Do you want to do that, Sophie?

Chairman:

We have a motion. Let's get to the motion, Michelle.

Michelle Madoff:

I'm asking Sophie if she is willing to go with \$27,500, I'll go with \$27,500. We'll donate the—

Mrs. Masloff:

What about my colleagues?

Michelle Madoff:

Well, you weren't concerned about your colleagues anyway.

Chairman:

Hold on.

Michelle Madoff:

You're concerned with your election, let's get down to it. You're concerned with Marty Krause, and getting \$150 a day. Let's put this where it really is.

Chairman:

The motion is—and it's been seconded—to make the salary \$32,500.

Michelle Madoff:

Are there any amendments on the floor to that?

Chairman:

Take the roll, Mike.

Mr. Flaherty:

I am un honorably opposed to this because of the inequity that is on that blackboard, and there is nobody that can change those figures and it is inequitable, but it's also the worst possible present to build for the future. You're going to continue to have this system. It's important to keep in mind. Council two years ago put a question on the ballot that would have geared their salaries to no more than what the average City employee made, and if that thing would have been passed by the public, then we would not be here now with the problem. It's very easy to political grandstand on this issue. But it's a tough issue, and sometimes the truth is hard to accept, but that's what this Government is supposed to be about. It's supposed to be about truth, and those facts are truth. And nobody can change those facts around and say that those facts are not truth, so in the spirit—the most basic spirit of truth, I urge my colleagues to vote for truth on this issue.

Chairman:

Your vote is?

Mr. Flaherty:

No.

Mr. Givens:

Just the same as Tom has indicated, and I don't care who is before

this particular Council body, I voted two years ago, I voted to even out the score, and this right here will not even the score. I wouldn't do this to anybody let alone my fellow Council members. For that I vote no.

Michelle Madoff:

I would like an answer from Sophie if she would be gracious to give it.

Chairman:

Let's vote, Michelle.

Mrs. Masloff:

You accuse me of grandstanding, and you're grandstanding.

Michelle Madoff:

That's right, Sophie, because that's exactly what you're doing.

Mrs. Masloff:

I am not. I am not.

Chairman:

Hold on.

Mrs. Masloff:

I will take a cut to \$27,500. I'll take it. I work for it. I'll take it because these are hard times, and we should cut everything. I will vote for my amendment for—

Michelle Madoff:

You cannot vote for both.

Mrs. Masloff:

My amendment before us.

Michelle Madoff:

You just said that you would take the \$27,500.

Mrs. Masloff:

That's not what we're voting on.

Chairman:

Michelle, you're out of order.

Mr. O'Malley:

I'm going to vote no. In response to Sophie's amendment, the last two years, Mrs. Masloff has made \$10,000 more than Michelle Madoff. Now, in the next two years—in my mind, I don't think that Bob Stone is worth \$10,000 more than Jim O'Malley. If she thinks that is too much money, I would like this one gentleman's recommendation that we let her vote her access, let her give her access to the food bank.

Mr. Robinson:

Yes.

Mr. Woods:

No.

Chairman:

I'm voting no.

Mr. Perry:

Ayes, two; Noes, six.

Mr. O'Malley:

I would like to make a motion to equalize—that will equalize Council's salary at least in two years. I would like to make a motion that it be ruled back from \$40,000 to \$37,500.

Chairman:

Have I a second?

Mr. O'Malley:

And also I would like to make a motion and follow up on my motion in explaining that the four Council members who made \$5,000 a year more than the rest of us in the past two years. In two years they will be up for reelection, equalize pays at that time at \$37,000 and freeze them and hopefully the referendum will pass and this Council will receive no more than the same percentage that is given to all of the City employees.

Chairman:

I have a motion at \$37,500, do I have a second?

Mr. Givens:

Second.

Chairman:

Take the roll, Mike.

Mr. Flaherty:

Aye, because it's fair and I don't care about a few people that are trying to demagogue this issue to death. There's the facts up there, and this is a good vote, and I'm voting aye.

Chairman:

Hold on a minute.

Mr. O'Malley:

Are you going to conduct the meeting?

Chairman:

I'm capable of conducting the meeting if everybody here will start behaving the way they do. If you grandstand with them, you're going to get that kind of a result. Don't try to put the blame on somebody else, when you're disrupting the thing yourself.

Mr. O'Malley:

Well, let's have the vote.

Chairman:

Hold on a minute. If we're going to conduct the meeting, then quit talking to somebody else. Talk to the Council members. And then you don't generate the kind of response you don't want to have.

Mr. Givens:

Yes.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

Yes.

Mr. Robinson:

No.

Mr. Woods:

Yes.

Chairman:

Yes.

Mr. Perry:

Ayes, five; Noes, three.

Chairman:

Okay. It has been dropped to \$37,500.

(END OF REMARKS)

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Stone:

Mr. President, while those papers are coming up, can I just end with something, if I may. I would be remiss if I didn't take this time to thank our budget staff of City Council. That's John Buckley and Pete Vaughn. I think they have done yeoman service, they've done an incredible job, and they put out more material this year than even before, showing the desire and intent of performing a good service for the City of Pittsburgh.

Equally, I'd like to thank the capital budget staff of Eddie Albert and Al D'Alessandro, who have been keeping our capital budget and community development projects in line and moving along without incident.

I'd like equally to thank our City Clerk, Mike Perry, and Linda Johnson, who have always been extremely cooperative relative to budget deliberations, and we just want them to know that we thank them for that effort.

I'd like as well to thank that corps of secretaries who are behind the scenes and our typists for their fine services.

I'd like to thank Paul Krall and the staff of the City Information Service Center for their patience, their understanding and the good service they've given us.

Equally to the Printing Department under the ever-dependable Bob Murphy, who, every year, is always cooperative and always patient and seems to understand and adjust his schedule to match that which we know, constraints of time, which we need.

I'd to thank the various directors and the heads of departments who this year were equally cooperative.

A special thanks to the Treasurer, Ron Schmeiser, Steve Schillo, and Jim Turner for their cooperation and their fine input into this budget and as well, their excellent cooperation and their forthright discussion with me and with my budget staff..

I'd like to thank the Mayor and all of his staff who have equally been cooperative in these deliberations.

And last but not least, I'd like to thank each and every member of Council

who, by their participation, support and input, have contributed to shaping the 1984 Budget.

Mr. Stone presented

Bill No. 4235

Report of the Committee on Finance for December 21, 1983 transmitting two ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4084

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 1, Levy and Rate on Lands and Buildings, by imposing the Real Property Tax for 1984, (151.5 Mills on Land, 27.0 Mills on Building)."

Which was read.

Also,

Bill No. 4199

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title One - Administrative by repealing Chapter 137 - Dept. of Lands and Buildings; by adding Chapter 120 - Dept. of Engineering and Construction; by amending Section 119.02, POWERS AND DUTIES OF DIRECTOR (of Department of Public Works); by adding Subsection (e) to Section 121.02, POWERS AND DUTIES OF DIRECTOR OF FINANCE; by amending Chapter 127 - Dept. of Supplies by restructuring the Dept. of

Supplies as the Dept. of General Services and by adding new subsection (c); by amending Section 139.02, POWERS AND DUTIES OF DIRECTOR (of Dept. of Parks and Recreation); and by amending Section 141.02, POWERS AND DUTIES OF DIRECTOR (of Dept. of Water); and by authorizing the City Solicitor to change the Pittsburgh Code to conform to the changes caused by the adoption of this Ordinance."

Which was read.

Mr. Given:

I would like this to be understood, that in making these various changes for various departments throughout the City of Pittsburgh, that I will not give up the prospects of — especially the powers and the duties of that, of the person in the Water Department if, in fact, this Council will not approve the final design of the City Directors and Departments Heads and their duties as prescribed in this particular ordinance.

They're taking away from otherwise the Water Department and the Water Authority to take over certain issues; but that is not resolved, so I look at this Bill 4199 as being approved by myself subject to change, pending the outcome of that public hearing and debate before this Council.

Also,

Bill No. 4200

A Resolution entitled, "Resolution authorizing the Director of the Department of Engineering & Construction to assume full administrative and fiscal responsibilities for certain Capital Projects within the Capital Improvements Program authorizing and directing the Controller to permit the Director of the

Department of Engineering & Construction to authorize any and all contracts and expenditures for such Capital Projects payable from existing appropriations." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 4180

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of PB&S Chemical Company, Section 970, Louisville, KY 40289, in the amount of \$5,685.75 in payment for Chlorine furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

Bill No. 4184

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Gulli Contracting Company in the amount of \$2,265.00 in payment for renovation work at Mellon Park Service Building, furnished for the benefit of the City without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4202

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the William Penn Hotel in the amount of Two Hundred Eighty One and 18/100 dollars (\$281.18) in payment for the use of a meeting room for the Energy Task Force Unit meeting of the Urban Consortium on September 13, 1983, furnished for the benefit of the City in conjunction with the City of Pittsburgh Energy Project, without previous authority of law; and providing for the payment thereof."

Which was read.

Also,

Bill No. 4203

A Resolution entitled, "Resolution providing for the issuance of a warrant to Allyn P. Kreil and Grace L. Kreil, his wife, in care of Alexander J. Jamiolkowski, Esquire, 802 Arrott Building, Fourth & Wood Street, Pittsburgh, Pennsylvania 15222 in the amount of \$150,000.00 in full settlement of a claim for personal injuries and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 4204

A Resolution entitled, "Resolution transferring \$7,000.00 from Code Account 1024-2 Constables' Warrant Fund to Constables' Warrant Trust Fund."

Which was read.

Also,

Bill No. 4205

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Volpe-Rogal, Inc., for professional services in connection with the Workers' Compensation Program and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 4219

A Resolution entitled, "Resolution authorizing the issuance of warrants in favor of Sylvester Sell and Otis Wesley, Council Chauffeur-Clerks, in the amount of \$500.00 each, for an aggregate amount of \$1,000.00, for clothing allowance for the year 1983, chargeable to and payable from Code Account No. 1001-1, Misc. Services, Supplies, Equipment, Etc., City Council."

Which was read.

Also,

Bill No. 4223

A Resolution entitled, "Resolution providing for the issuance of a warrant to Geraldine Polk and Johnny Polk, wife and husband, c/o H. Fred Mercer, III, 1522 Frick Building, Pittsburgh, Pennsylvania 15219, in the amount of \$22,000.00 in full settlement of a claim

for personal injuries and providing for the payment thereof."

Which was read.

Also,

Bill No. 4224

A Resolution entitled, "Resolution providing for the issuance of a warrant to Adelmo DiMatteo and Guiseppina DiMatteo, his wife, c/o Samuel J. Pasquarelli, Esquire, 219 Fort Pitt Boulevard, Pittsburgh, Pennsylvania 15222, in the amount of \$17,500.00 in full settlement of a claim for property damages and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Givens presented

Bill No. 4236

Report of the Committee on Public Works for December 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4175

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Earl B. Franklin, "North Shore Marina", for the Reimbursement of all costs involved in the paving of 22nd Street from Railroad Street to the Stone Wall at the Allegheny River."

Which was read.

Also,

Bill No. 4176

A Resolution entitled, "Resolution providing for an Agreement granting EAT 'N PARK, its successors and assigns, the right to construct and maintain a building addition over a sewer line of the City of Pittsburgh on property owned by EAT 'N PARK, in the 12th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4177

A Resolution . entitled, "Resolution providing for an Agreement granting the Buncher Company, its successors and assigns, in connection with the construction of a building over a City sewer between Liberty Avenue and the East Busway."

Which was read.

Also,

Bill No. 4178

A Resolution entitled, "Resolution granting unto David K. Tanner, 100 Brosville Road his successors and assigns, the privilege and license to construct, maintain and use at its own cost and expense, encroachments in a portion of the right-of-way of Nusser Street, Seventeenth (17) Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 4179

A Resolution entitled, "Resolution taking, appropriating and condemning by the City of Pittsburgh for public road widening and easement purposes, certain property of Theresa, Charles and Rose Seminators, situated at the intersection of Pennsylvania Avenue and Brighton Road in the Twenty-fifth (25th) Ward, City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale

Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Robinson presented

Bill No. 4237

Report of the Committee on Planning, Housing and Development for December 21, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4197

A Resolution entitled, "Resolution approving a Conditional Use under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the County of Allegheny for authorization to renovate the Jones Law Building and replace the Annex with a 13-story extension to be used as a County Jail facility to contain 372 beds on property located on the westerly side of ROSS STREET between THIRD and FOURTH AVENUES; and identified as Lot No. 72, Block 2-J in the Allegheny County Block and Lot System, 1st Ward."

Which was read.

Also,

Bill No. 4198.

A Resolution entitled, "Resolution amending Resolution No. 880 of 1982 providing for an Agreement(s) with consultant or vendors to provide and

prepare census information."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Woods presented

Bill No. 4238

Report of the Committee on Supplies for December 21, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4206

A Resolution entitled, "Resolution providing for a Contract or Contracts, for the furnishing and delivery of various office equipment in the Controller's Office."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods
Mr. O'Malley	Mr. DePasquale
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Michelle Madoff presented

Bill No. 4239

Report of the Committee on Water for December 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4181

A Resolution entitled, "Resolution amending Resolution No. 94, approved February 3, 1983, as amended by Resolution No. 498, approved June 21, 1983, entitled: 'Providing for a Contract or Contracts for the relay of water line and appurtenances in Various Locations; and providing for the payment of the

cost thereof, by reducing the appropriation therein."

Which was read.

Also,

Bill No. 4182

A Resolution entitled, "Resolution amending Resolution No. 550, approved July 6, 1983, entitled: 'Providing for a Contract or Contracts for the Installation of Large Water Meters by contract; and providing for the payment of the cost thereof', by decreasing the appropriation therein."

Which was read.

Also,

Bill No. 4183

A Resolution entitled, "Resolution amending Resolution No. 645, approved July 7, 1983, entitled: 'Providing for a Contract or Contracts for the Purchase of Water Meters and providing for the payment of the cost thereof', by increasing the appropriation therein, and adding Section 2."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Mrs. Masloff	Mr. Woods

Mr. O'Malley	Mr. DePasquale (Pres't)
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AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mrs. Masloff presented

Bill No. 4240

Report of the Committee on Parks and Recreation for December 21, 1983 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4185

A Resolution entitled, "Resolution amending Resolution No. 628 effective August 1, 1983, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use of existing Agreements for the rehabilitation of Fowler Pool and Park', by reducing the amount provided for Contracts and Agreements."

Which was read.

Also,

Bill No. 4186

A Resolution entitled, "Resolution amending Resolution No. 627 effective August 1, 1983, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts and Agreement or Agreements or the use of existing Agreements for the rehabilitation of

Riverview Pool', by reducing the amount provided for Contracts and Agreements."

Which was read.

Also,

Bill No. 4187

A Resolution entitled, "Resolution amending Resolution No. 629 effective August 1, 1983, entitled: 'Providing for a Contract or Contract or the use of existing Contracts for construction of new facilities at the Pittsburgh Zoo; and providing for the payment of the cost thereof', by increasing the amount provided."

Which was read.

Also,

Bill No. 4188

A Resolution entitled, "Resolution amending Resolution No. 1046, effective December 6, 1983, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts for the construction of a new ticket sales structure and various repairs at the Pittsburgh Zoo; and providing for the payment of the cost thereof', by increasing the amount provided."

Which was read.

Also,

Bill No. 4189

A Resolution entitled, "Resolution amending Resolution No. 118, effective March 2, 1983, entitled: 'Providing for a Contract or Contracts or the use of existing Contracts for the rehabilitation of Friendship Park', by reducing the amount provided for contracts." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 4190

A Resolution entitled, "Resolution further amending Resolution No. 1385 effective December 31, 1980, as amended by Resolution No. 1221 effective December 3, 1982, Resolution No. 7 effective January 13, 1983 and Resolution No. 359 effective May 27, 1983 entitled: 'Providing for the letting of a Contract or Contracts for the construction of South Side Riverfront Park; and providing for the payment of the cost thereof', to include Agreement or Agreements by reducing the amount provided for Contracts and Agreements."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Malley presented

Bill No. 4241

Report of the Committee on Public Safety for December 21, 1983 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4196

A Resolution entitled, "Resolution providing for accepting a grant from The Sears-Roebuck Foundation in the amount of Three Thousand Dollars (\$3,000.00) for the operation of "Officer Friendly Program" to be conducted by the Community Relations Section of the Department of Police, and for the deposit of grant funds in bank account."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Flaherty presented

Bill No. 4242

Report of the Committee on Lands and Buildings for December 21, 1983 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 4171

A Resolution entitled, "Resolution repealing Resolutions, approved on various dates, for the sale of properties in various Wards of Pittsburgh, in accordance with Act No. 514, and providing for the forfeiture of hand money."

Which was read.

Also,

Bill No. 4172

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties acquired at a tax sale in accordance with Act No. 514 of 1947 as amended."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Stone
Michelle Madoff Mr. Woods
Mrs. Masloff Mr. DePasquale
Mr. O'Malley (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Stone:

Mr. President, if I may. I move to make Bill Nos. 4080, 4098, 4099, 4100, 4199 and 4233 effective January 1, 1984 and all other legislation effective December 31, 1983.

Mr. Robinson seconded the motion.

Which motion prevailed.

Michelle Madoff:

Mr. President, I wonder if the Finance Chairman will share with Council what the procedure will be if the other unions and binding arbitration do not come in on the budget figure that we've allocated. What will happen?

Mr. Stone:

If it's over and above we may have to open the budget.

Michelle Madoff:

And then we'd have to increase the budget, is that it?

Mr. Stone:

We'll have to do what we have to do.

Michelle Madoff:

When would we know this?

Mr. Stone:

When the union contracts come back.

Michelle Madoff:

I mean is there a deadline?

Mr. Stone:

Not to my knowledge. They're in arbitration now.

Michelle Madoff:

Is there a time frame set or is there no time frame?

Mr. Stone:

I'm not aware of their time frame although they're into arbitration proceedings.

Michelle Madoff:

Thank you.

Mr. Stone:

Mr. President, if I may. I would like to call to the attention of members of Council that this is the last day for our President, Mr. Eugene (Jeep) DePasquale. To say that he has been in this City and in this Council a legend in his time would be, in my opinion, an understatement.

He has taken great pride in the fact that, as a son of an Italian immigrant, that he was able to rise in this land of opportunity through the City ranks and eventually become on Council, but not only that, to ascend to the

position of the presidency of this City Council.

President DePasquale has truly contributed to the City of Pittsburgh and while sometimes our circus atmosphere tends to take away from the good this Council does, nevertheless, it should not in any way diminish the contribution of our President these past six years. Never in the history of this City has there ever in any Council which passed such major, important and substantial legislation as has been passed in these six years.

Mr. President, you are leaving us today but you Sir can be extremely proud of your participation to the City of Pittsburgh. The City of Pittsburgh is better off because you didn't pass by but rather you meaningfully contributed.

On behalf of all of us in Council and on behalf of all the citizens of the City of Pittsburgh, permit me for all of them to say to you, thank you very, very much.

Mr. Woods:

Mr. President, if I may. I've known you for a number of years now; I've served with you for the last two and a half years. You've become a very good friend and I'm glad I had the opportunity to be your friend. I wish you good luck and God bless you, Jeep.

Mr. O'Malley:

I'd also like to say a few words. It's a sad day for the City and when I was fortunate enough to be elected, Jeep was one of the one's who took me under his wing and whenever I had any problems or I needed some advice, I was always welcome to go into his office to talk to him. For that, even though we disagree sometimes, we're still good friends and

I'll always be grateful for him. I think Jeep has been an outstanding public servant and I think he's certainly given more to the City of Pittsburgh than he's taken from the City. I think it's been an honor on my part and a pleasure to serve as a Councilman with Jeep DePasquale. I look forward to serving with him on the board of Alcosan and to continue being his friend. I just wish him and his wife, Josephine, and his children all the best.

Mr. Woods:

Jeep, I'd just like to add one more thing. You see we're all wearing "Jeep" buttons.

Mr. Givens:

We had many good cartoons in the newspaper on that, Jeep, and much of the legislation that I had put forward and the real ones that meant something to me also meant something to you because of your positive vote on it. For that and the last eight years that we've both worked on this Council together, I thank you for all the input that you've had into this Council and I think all of us, to some degree or another, are going to miss some of your jovial joking around, even though I didn't hear all your comments and sometimes I'm better off not hearing them but reading them in the next day's paper. I think it gives a certain amount of lightheartedness to the serious work that we must do on this Council.

I thank you and I'm sure you're still going to be around this political arena for many years to come. On behalf of you and your family, in that semi-retirement that you might be going into right now, I wish you the best of luck and the best of health.

Mr. Flaherty:

Mr. President, I would just want to

add that you and I in the past, Jeep, there have been time that we haven't agreed on things and sometimes they really became very raucous; I'm sure that in the future, if we were working as closely together, there would be times where we would not agree. But I would be remiss in saying that you have certainly been the lightning rod on this Council; you have certainly got us to attention. Often times we all were not in agreement but I don't believe the public would want that anyway.

I think you're a real pro; I think we had our fights in the past and I think the way you were able to shrug it off and still come back here on top of the world now. You certainly taught me a lot about life.

Michelle Madoff:

Mr. President, I think it's only appropriate that I should speak last since we're a team in the public's eye, despite all media hoopla. As a matter of fact, one of our former Councilman's wife was convinced that we had fought deliberately just to get elected, that it was planned, and that we were having a secret romance. Of course, you and I know that's true.

You know that I am very fond of you as a person. We've spoken privately many times. I personally am really sorry to see you go. I think it's going to be a lot tougher here on Council without you. I think you have a humanitarian touch about many things and I'm going to miss you. If you'd like, I'll have lunch with you sometime and I'm buying.

The Chair:

If I may, Members of Council, ladies and gentlemen, I tried to be an upstanding President and I tried to carry out my sworn duty. I've been a

Councilperson for twelve years and one thing I never did was let my constituents down, just as you have done, in regards to taking their part in regards to certain legislation in seeing that the City of Pittsburgh move forward. I think no put it anymore eloquently or better than Councilman Stone. I don't mean the resolves or the roses he threw my way; I'm talking about the constructive legislation that this Council and other councils that I have served on and Mr. Stone has served on and I think we've done more probably than all the other councils combined in the history of the City of Pittsburgh.

I have only one regret. As Council President there were occasions where some of us, myself included, tended to forget that legislation was our prime job or our prime purpose and we strayed from that field on occasion but fortunately, in time, got back on the right track.

I want to say leaving here today is no pleasure; I did it voluntarily as you probably know. I just thought I'd want a change, to try something different. I'm not retiring, I'm just going away from politics for a time, perhaps for good, but at the same time I'm not going into what you would call complete retirement as you're probably quite aware of that by now.

I do want to say, and I mean this from the bottom of my heart, that never did I leave this Council Chamber and carry our business out in the street and never did I bum rap any of my colleagues and, to the best of my knowledge, none of them ever bum rapped me; I'm talking about on street corners or in department stores, or what have you. Most of you left it right here in this room and that's the way it should be. That's the way you should continue to behave. Act accordingly out on this floor and at that

table but when you leave here, that's all forgotten. Get yourself a drink or something to eat and just forget that until the next day.

I leave here bearing no malice towards any of my Council colleagues and I mean that very, very sincerely. There's no reason to for that matter. We've had our fights, as Mr. Flaherty said. Hell, we wouldn't be human and we wouldn't be politicians if we didn't. Philosophically, he thought one way and on occasion I thought the other. The same goes for all the rest of Council in regards to my dealings with them. Most of the time I agreed with most members of Council; there were occasions I didn't. But that's the game, that's the way it should be played. If we all went one way all the time it would be a pretty boring world.

I repeat, I leave with no malice towards anyone; I have affection for all of you. I'm going to miss you, believe me, I am. It's going to be tough the first few months, I know that. I can see right now from what you've said that when I go into that room today it's going to be real rough. But I do want to thank all of you.

Mr. Stone moved to approve the minutes of Monday, December 12, 1983.

Mr. Woods seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.

Municipal Record

Proceedings of the Council of the City of Pittsburgh

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No. 51

Municipal Record

ONE-HUNDRED TWENTY-SECOND COUNCIL

EUGENE P. DePASQUALE President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON ... Asst. City Clerk

Pittsburgh, PA
Saturday, December 31, 1983

PRESENT:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

The Meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

If I may, ladies and gentlemen, I made a farewell speech the other day and I'm not going to be like Sarah Bernhardt, I'm not going to make another one today.

Clerk, read the Mayor's veto

please.

The Chair presents

Bill No. 4098 Communication from Mayor Richard Caliguiri returning with his line item veto Bill No. 4098 entitled, "Resolution making appropriations to pay the expenses of conducting the public businesses of the City of Pittsburgh and for meeting the debt charges there of for the year beginning January 1, 1984."

Which was read.

Also,

No. Bill No. 4099 Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1984.

Which was read.

(MAYOR'S VETO)

December 30, 1983
President and Members
Pittsburgh City Council
Fifth Floor, City-County Building
Pittsburgh, PA 15219

Dear President and Members:

A review of the 1984 budget recently presented to me indicates that overall City Council has done an excellent job in preparing the City's spending plan for next year. The 1984 operating budget increase of only 3.7% represents a dramatic reduction in the

10% growth rate in costs which we have experienced in the past. Council was able to cut the growth rate in half while still providing the same high level of service to the public.

While I congratulate Council for their overall efforts in presenting this budget, I would be remiss in my duties if I did not point out several problems with the budget. The Home Rule Charter provides the Mayor with the opportunity to exercise a line item veto whenever the Mayor feels it is essential to do so. I am reluctantly choosing to exercise this option on the 1984 budget in several selected areas.

Again, let me emphasize that I believe that the overall budget is an excellent product. However, the line item vetoes I am making are necessary to ensure the long range financial integrity of the City and, equally as important, to demonstrate that City government is responsive to the needs and wishes of its citizens.

Pensions

I am reluctantly vetoing the pension increases presented in this budget in order to protect the integrity of the current pension system as well as the financial stability of the City. There is no doubt that some retirees are facing difficult times, but the City is simply not in a financial position to grant annual pension increases.

What many people fail to realize or refuse to recognize is that the cost of the proposed increase is far more than the \$1.3 million added to the 1984 budget. The total cost of the increase over the life of the retirees exceeds \$19 million. From an actuarial standpoint, the present value of this total cost which represents an increase in our unfunded liability is \$10.3 million.

The single most serious financial problem facing this City is the accumulated unfunded pension liability associated with the pay-as-you-go pension systems which existed in this City prior to 1975 for municipal employees and prior to 1982 for police and fire employees. In order to avoid massive pension cost increases which would threaten the solvency of the entire pension system, the City, in 1982, embarked on an ambitious pension reform program which over a 20 year period ensures that all City employees are covered by pension programs which are acceptably funded.

The proposed pension increases threaten the structure of the entire pension reform program by adding an additional \$10.3 million in unfunded liability to the existing system which is already woefully underfunded as a result of decades of neglect. Prior to the adoption of the 1982 pension reform program, the rating agencies continually pointed to our pension situation as an area of grave concern. The proposed pension increase would not only severely damage our attempts to improve our credit rating, it would also raise the possibility of having our credit rating lowered by the bond rating agencies. This could cost the City millions in increased debt services payments.

It must be pointed out that it is practically unheard of in the private sector to grant annual pension increases. In 1983, because of the low inflation rate and overall economic conditions, very few pension increases were granted in the Pittsburgh area by either private or public concerns. Furthermore, when pension increases are granted, it is far more equitable to devise a method by which those who have been retired the longest and, therefore, have been hit the hardest by the high inflation rates of the 1970's receive the

largest increases. A review of the steelworkers situation verifies these facts. Under the steelworkers' contract ratified in 1983, no pension increases were granted. Under the prior contract ratified in 1980, the pension increases granted were financed by concessions granted by existing employees. In addition, the pension increases given were structured in such a way that those who had been retired the longest received the largest increase.

I am vetoing the proposed pension increase because it is more than the City can afford and it is not structured in a reasonable way. I am recommending that Council adopt a three tiered approach as shown below:

- 1) Those employees who retired prior to 1970 receive a monthly increase of \$25
- 2) Those employees who retired between 1970 and 1980 receive a monthly increase of \$15
- 3) Those employees who retired between January 1, 1980, and December 31, 1982, receive a monthly increase of \$10

This approach will cost the City \$615,660 in 1984 and the total cost during the lifetime of the retirees is \$8.2 million. From an actuarial standpoint, the present value of this total cost, which represents an increase in our unfunded liability, is \$4.5 million. By structuring the increase in this manner, we are trying to be as responsive as possible to the needs of our former employees without damaging the integrity of the pension system for our current employees.

City Council Salaries

As a result of a defect in the Home Rule Charter, City Council members, as well as the Mayor and City Controller,

find themselves in the unenviable position of being able to receive a pay increase only once every four years. This practice has resulted in large pay increases every four years instead of moderate increases on an annual basis.

A recent referendum to reform this system was defeated by the public largely because they did not understand the issue they were voting on. Because of this misunderstanding by the public, once again City Council members are required to establish their own salaries.

While I am in agreement that a salary increase should be granted for the five Council members in 1984, I am not in agreement with the size of proposed increase. I am, therefore, vetoing the proposed increase of \$10,000 and recommending a pay increase of \$5,000 which would result in all Council members being paid the same salary of \$32,500.

I am vetoing the proposed increase because I believe that during these difficult economic times a more modest increase is in order. Furthermore, the proposed increase would produce a repetition of the same problem that we currently have, namely Council members being paid at different rates. It must be recognized that during times of massive layoffs at U.S. Steel affecting 5,000 area employees and 15,000 people nationally combined with major concessions by Giant Eagle and Greyhound employees, public officials must be sensitive to the financial difficulties faced by their constituents. We must be responsive to the desires of our citizens and it is abundantly clear that the taxpayers of Pittsburgh are adamantly opposed to the proposed \$10,000 increase.

I will introduce legislation in January to place a referendum on the ballot which would permit annual raises

to all elected City officials—Mayor, Members of Council, and City Controller—in the same amount granted to all City employees. Once this issue is placed before the voters, I pledge that I will lead the campaign to convince the public that this action is in the best interests of the City. Lastly, I am recommending that the salaries of all elected public officials be frozen at the 1984 levels until the referendum is passed.

Personnel Appeals Board

I am vetoing the salary being granted to the City's Personnel Appeals Board because it is a clear waste of the taxpayers' money and an abuse of the public trust placed upon all elected officials. There is simply no justification for paying these members on a salary basis. In addition, the current method of budgeting members on a salary basis has resulted in the additional payment of benefits such as Blue Cross/Blue Shield, dental and vision plans, life insurance, and annual leave, at a total cost per member, including salary, of \$10,814 per year. This compensation was paid the three Board members this year even though no appeals have been handled in 1983.

The Personnel Appeals Board has a limited mandate due to the personnel structure of the City of Pittsburgh. Only 230 employees from a total workforce in excess of 5,000 have the right to take disciplinary actions to the Board; these employees also have the option of appealing to the Civil Service Commission. Most City employees are unionized, which makes them ineligible to use the Board since they are covered by their respective grievance procedures.

Despite the fact that only seven appeals have been filed since 1978, the Board has continued to meet once a

month, even when there has been no business to conduct. These seven appeals required a total of 12 sessions to hear and decide the cases. The last appeal, filed in September, 1981, was settled in March, 1982, after three hearing sessions by the Board.

Simply stated, no one should be paid to do nothing at the expense of the public.

This Board is in stark contrast to the City Planning Commission whose nine members provide a necessary and useful public service at no cost to the public. Members of the City Planning Commission meet every other week for a four hour session plus attend numerous public hearings on the six-year capital development plan and on UDAG applications. These individuals have business to conduct at every meeting which consumes hundreds of hours of their time—yet they serve their terms with no pay.

I propose that compensation for the Personnel Appeals Board be set so that if the members must meet to hear an appeal, they are paid at a rate of \$150/day. If no appeals have been filed, there will be no cost to the public. I recommend that the budget allow for a total of 12 sessions for all three members at an annual cost of \$5,400. By forgoing both salary and fringe benefit costs, the City will save \$27,000.00 in 1984.

Uniforms for Council Chauffeurs

I am vetoing the \$500 clothing allowance for Council's two chauffeurs because of the dangerous precedent it sets which could force the City to provide clothing for many other City employees. The City now provides uniforms, pursuant to collective bargaining agreements, in cases where it

is important that the public recognize employees of the City in order to allow them to do their jobs effectively, such as refuse workers and water meter readers, and to members of our public safety departments, i.e., police, fire, paramedics, and school crossing guards, where uniforms are a necessary part of the services they perform for the public. This is not the case with City Council chauffeurs, however.

Perhaps there has been some misunderstanding. City Council's chauffeurs are not unionized employees represented and covered by the City's collective bargaining agreement with the Pittsburgh Joint Collective Bargaining Committee. And, even if they were, they would not be entitled to uniform allowances. City blue collar employees do not receive clothing allowances but rather are issued safety gear and protective clothing only when they are performing particular tasks that requires special clothing. They are not given money to purchase articles of personal clothing.

City Planning Positions

Three positions have been added to the City Planning Department. I am in agreement with the addition of only one of these three positions. I am recommending that Council retain the Senior Planner position added to the Community Development Section as this position will enhance our monitoring efforts with regard to minority business participation. I am vetoing the other added positions of Principal Planner and Enforcement Officer since they are not necessary and I will not fill these positions if they remain in the budget.

Meeting Expenses for Members of the Human Relations Commission

I am vetoing this item because it is

inappropriate to provide meeting expenses for one Commission when no other City Board of Commission receives meeting expenses. While I recognize that the members of the Mayor's Commission on Human Relations provide an important service for the people of this community, I believe the same can be said of many other City Boards and Commissions, such as the City Planning Commission, Urban Redevelopment Authority, etc., whose members serve without compensation or expense allowances.

Building Maintenance Superintendent

I am vetoing the merit increase proposed for the Building Maintenance Superintendent in the Department of General Services. This position was evaluated in detail during the budget review process. The evaluation indicated that the position was adequately compensated. Furthermore, it must be the prerogative of the administration to recommend merit increases for employees in administrative departments, just as I believe it should be City Council's and the City Controller's prerogatives to recommend merit increases for employees within their respective agencies.

Administrator - Board of Adjustment

I am vetoing the \$3,000 raise proposed for the Administrator for the Board of Adjustment, formerly entitled the Secretary-Engineer. A review of this position reveals that the current pay rate is adequate compensation for either the former title or for the proposed new title. As indicated above, since the Secretary-Engineer of the Board of Adjustment is an employee of an administrative department, it must be the prerogative of the administration to recommend a merit increase or change in title.

Grants and Donations

I am vetoing the line items for several organizations while recommending that the funding be placed, instead, in Code Account 1838 Miscellaneous Services, in the Department of Parks and Recreation. In these cases, services can be provided to the City for the funding granted, and the Parks Department is the appropriate agency to implement the programs under a contract for services. These organizations are: River City Brass Band, Brashear Association, Community Garden Program, and the Arsenal Board of Trade.

I am vetoing funding in the operating budget for the following organizations with the recommendation that they be allocated community development funds from the ULO allotment: Neighborhood Housing Services and Light of Life Rescue Mission.

I am vetoing the grants to the following organizations because the City is prohibited from providing such funds under Article IX, Section IX of the Pennsylvania Constitution: Center for Victims of Violent Crimes, Carrick High School Band, Police Softball Tournament, Institute of Technology and Society, Friendship Housing Ursuline Center, and Pittsburgh Firefighters Local No. 1 Softball Team.

In closing, I would like to once again emphasize that overall City Council has done an excellent job in preparing the City's spending plan for next year. I believe, however, that the changes proposed above improve an already good product. I urge each member of Council to adopt these changes. By working together, we can continue to insure the economic soundness of City government and also

demonstrate that we, as public officials, are responsive to the needs and wishes of the citizens of Pittsburgh.

Very truly yours,

RICHARD S. CALIGUIRI
Mayor

(END OF VETO)

Read, received and filed.

Mr. Stone:

Mr. President, if I may. I would suggest so that we can move with some clarity as we proceed, that we take this in sections and unless anyone has any objections I'd suggest that.

Mr. O'Malley:

I have no objection but I have a question. What happens if this Council indeed does override one or two of the Mayor's vetoes?

Mr. Stone:

If you override, that would be exactly as it is in the budget. If you do not override, you would then have to go back and offer an alternative and the Mayor would then, as I see it, need to approve or disapprove on that one.

Mr. O'Malley:

But if we override the Mayor's veto then, in fact, it would become law?

Mr. Stone:

Yes.

Mr. O'Malley:

If we come up with a compromise, then we would have to send it back and

wait for the Mayor to either approve or disapprove it.

Michelle Madoff:

Mr. President, question. Is the Parliamentarian here? Thank you. And is anybody from the Mayor's Office here?

It's time we stopped acting as separate bodies and having to go back and see what he's going to say and they get a call at home. I think somebody ought to ask the Mayor to respectfully join us.

The Chair:

Michelle, the Mayor's presence isn't needed here. We have his veto and the issue is whether or override or sustain it. You have a Parliamentarian and that's all we need.

Michelle Madoff:

I'll accept the Parliamentarian as a representative of the Mayor then. Is that correct? You can, of course, make the decision for the Mayor whether we change anything.

My next question to the Parliamentarian, which was my first question, is can we open up the budget by a motion of Council? I'm asking the Parliamentarian. Can we open up the budget? I think Mr. O'Malley is going to address a very important item; he's done the research on it and I'll leave it with him. But fair is fair. I think this Council is tired of being scapegoats. Can we open up the budget and address some of the issues that the Mayor has been remiss at and laying it on us and not doing his own cutting.

**Mr. Pellegrini
City Solicitor:**

Council has five weeks to reconsider the budget by and under the terms of the Home Rule Charter.

Michelle Madoff:

Okay. But we could open it up today if we wanted to, if we wanted to amend. You can't amend without opening up the budget.

Mr. Pellegrini:

You can amend the budget today if you have a substitute resolution. The budget is not before you today, only the Mayor's veto. A separate bill would have to be introduced.

Michelle Madoff:

In other words, you don't open up the budget to have a compromise or an amendment? Suppose someone said we want to go to \$25,000 on the salaries. Do you have to open up the budget to do that?

Mr. Pellegrini:

A separate resolution would be introduced with the new Council's salaries, it would be introduced today. It can be introduced if Council so desires.

Michelle Madoff:

You didn't answer my question; I'll try again. Supposing a member of this Council wants to change the \$32,500 that the Mayor is proposing, to \$25,000.

Mr. Pellegrini:

If you have the votes, Council can do that today.

Michelle Madoff:

But we don't have to open the

budget to do that?

Mr. Pellegrini:

You're not opening the budget.

Michelle Madoff:

Isn't the budget closed?

Mr. Pellegrini:

For five weeks after the enactment of the budget, Council has the right to make changes in the budget.

Michelle Madoff:

Is that in the Home Rule Charter?

Mr. Pellegrini:

That is in the Home Rule Charter.

Michelle Madoff:

Thank you. You've answered my question. Thank you very much.

Mr. Woods:

Mr. Chairman, if we vote to uphold the Mayor's veto on all items or any other item, then it is up to us to come up with another figure. His recommendation is not law. Is that correct?

Mr. Pellegrini:

That's correct. This recommendation is not law but it is also something that is --

Mr. Stone:

Indicative of his feelings.

Mr. Woods:

But, once we uphold his veto, then it's up to this body to come up with either that figure or any other figure.

Mr. Pellegrini:

That's correct.

The Chair:

Excuse me, if I may. I have a question to ask myself. I think you people raised a good point. Whether the veto is sustained or overridden today, in the future, the next five weeks, if Council would amend certain parts of the budget or make changes, then does the Mayor still have a vote on that?

Mr. Pellegrini:

He still have the vetoing powers.

The Chair:

Okay.

Michelle Madoff:

Excuse me, Mr. President. There's one thing that we neglected to ask. I don't know whether the media was correct but they said that if we don't change that figure today, by law we will stay with our salaries as they are and they will be frozen as of tonight. Is that correct?

Mr. Pellegrini:

The only veto that has to be changed today if you want to put a substitute in the salary ordinance That's because of prohibition of raising diminishing salaries after they take office. So, it has to be done today.

Michelle Madoff:

That's the point I wanted to make perfectly clear to my colleagues. We can't open that issue in the next five weeks.

Mr. Pellegrini:

That's right.

Michelle Madoff:

That was the point I was getting at, Mr. President. Thank you for the time to clarify it.

Mr. Givens:

Danny, you have a folder there and you have many scenarios. Would you just go through and let this Council know what's in your brief case and what scenarios can develop here and what contingencies you have for Council if it does happen.

Mr. Pellegrini:

Most of the vetoes do not involve a change in — For instance, Council's salary adjustments would require a substitute bill. The other substitute bills we proposed, for instance, for Personnel and Appeals Board, would just require a change in the Code Account that the Mayor vetoed. Most of those would be non-controversial. We have prepared legislation that some of them were in accord with the Mayor's recommendation but we have someone standing by to prepare any compromise that the Mayor would decide.

Mr. Givens:

Danny, I asked you a specific question.

Mr. Pellegrini:

Do you want to know each alternative?

Mr. Givens:

Yes. I'd like to see what these alternatives are. I think that's your job and I think you should brief the Council on what alternatives we have here today.

Mr. Stone:

Hold on a minute, Mr. Givens. The reason he's prepared these things was at my request. I think what you're getting at is as follows. If we override the Mayor's veto, what's presently in the budget would stay. If you move to override the Mayor's veto and you don't have the required amount of votes, that means the Mayor's veto, in effect, is sustained. You then have an alternative to do nothing or substitute an alternative.

Taking for example, the salary increases. If you did nothing, the salaries for those five people would be \$27,500. If you accepted the suggested recommendation from the Mayor to increase it by \$5,000, it would end up being \$32,500 and all Councilmembers would receive the same identical salary at \$32,500. That's basically the kind of way it would work. You first find out whether you want to override it or not and if you're not able to then you take your alternative.

Michelle Madoff:

Excuse me, Mr. President. That's what happened the other day. We were in the middle of voting on Councilwoman Masloff's \$32,500 and I asked her whether she would go to \$27,500 in light of her feeling these are such bad times. She said she would and we continued

right on with the vote of \$32,500.

I don't want to go with the vote of \$32,500 and override the veto or sustain it until we have an alternative. That was my purpose in saying, do we have to open up the budget or can we open up the budget. That was one reason. Supposing I want to recommend \$27,500 and we've already voted on \$32,500 and as one, I can't go back to \$27,500. You haven't given me an opportunity. That's item one. Or if I want to go to \$47,500. Somebody else may want to do that.

Now, what about if we want to change some of the line items that the Mayor has put into the budget where he's given several dozen of his own people merit increases and we say if we're going to take a cut back let his people take a cut back. How do we balance this? How do we open that budget? Can we open it today?

Mr. Pellegrini:

You have five weeks from the end of the fiscal year.

Michelle Madoff:

I didn't ask you that. Can I open it today?

The Chair:

Yes, Michelle. He's answered that.

Michelle Madoff:

That's all I want. A yes or a no.

Mr. Pellegrini:

If you prepare a substitute resolution for introduction. The original Council bill is not before you today. It would require a new bill.

Michelle Madoff:

Couldn't I make a floor motion?

Mr. Pellegrini:

No.

Michelle Madoff:

Why?

Mr. Pellegrini:

Because it would require at least a week.

Michelle Madoff:

You've said that you're prepared today to make resolutions and alternative resolutions if we need it in a hurry, right? You've got people standing by.

Mr. Pellegrini:

If Council desires, I could prepare a resolution.

Michelle Madoff:

So, I could make a resolution to open up the budget today. Is that correct?

Mr. Pellegrini:

The resolution is not to open the budget. The resolution to make specific line item changes in the budget.

Michelle Madoff:

I understand that; I have all my capacities. I'm asking you if I would also like to, in addition to that, open the budget within the next five weeks making today part of that five weeks, can we do that?

Mr. Pellegrini:

Yes, you can.

Michelle Madoff:

Thank you. I got my answer.
Thank you, Mr. Pellegrini.

The Chair:

At the risk of this continuing, and I don't want to muddy the waters, I have one legal question to ask and maybe it's completely out of order or out of line. The budget that's going to be passed today, or was passed, regardless of the Mayor's veto, two members took part in that budget that will not vote in '84. Is it legal for two members coming aboard to vote on a budget they had no part of and the two who are leaving are not allowed to vote?

Mr. Pellegrini:

It's legal for the two new members of Council to participate in the budget.

The Chair:

Okay. That's all I wanted to know.

Michelle Madoff:

Mr. President, that's why I asked the question whether we could open the budget today. That was my purpose exactly.

The Chair:

I think we've got all our answers. If you haven't, please ask them now because we do want to get on with the meeting.

Michelle Madoff:

Mr. President, I make a motion

before we vote on the veto that we open the budget.

The Chair:

Wait a minute. First of all, Michelle, the item on the floor now is to veto or not to veto. Then we'll get into the other part.

Michelle Madoff:

I still make a motion. I would like a second for discussion that we open the budget so we can change some of the Mayor's line items.

Mr. Givens seconded the motion.

The Chair:

I think your motion is completely out of order, Michelle.

Mr. Woods:

Mr. President, I believe there is already a motion on the floor when Mr. Perry read the veto.

The Chair:

That's what I said.

Mr. Givens:

Mr. Perry cannot make a motion; only this Council can make a motion.

Michelle Madoff:

And I have made a motion that we open up the budget and we have a second.

Mr. Stone:

I was in the process of trying to get some guidance from this Council. I'm prepared to make some motions that's in

line with the veto. I was just asking whether or not Council wanted to take it one by one or in one big gulp.

Michelle Madoff:

I would like to open the budget first of all. I have a motion on the floor to open the budget.

The Chair:

There's no second, Michelle.

Michelle Madoff:

Mr. Givens seconded the motion.

The Chair:

Did you second Michelle's motion?

Mr. Givens:

Yes, I did, Jeep.

The Chair:

Alright now, we'll vote to reopen —

Mr. Stone:

Point of order, Mr. President, if I may. We are on the veto and the Chair gave me the floor and I am prepared to make the motion in line with whether Council wants to take it as one or break it down. I think the more sensible way to handle it is to have it by sections —

The Chair:

We'll have a roll call vote in regards to whether we're going to take it line item or in one piece.

Does everybody understand the question?

Mr. Flaherty:

Mr. President, when we're talking about taking it in sections, are we talking about the line item? Each line item?

The Chair:

Yes.

Mr. Stone:

I think it's the most sensible way to handle it.

Mr. Flaherty:

I think it's the only way.

Mr. Stone:

In view of that then, the motions I'm about to make are not my personal desires but rather trying to get this in an orderly fashion procedurally.

The first motion deals with the Council's salary increase. I move to override the Mayor's vetoes in both the salary and appropriation resolutions of Code Account 1001, Salaries and Wages, Regular and Temporary Employees, and to reinstate Council's establishment of the salary of \$37,500 for each of the five members to be sworn in next year. That's the original motion.

Mr. O'Malley:

Could I hear that motion one more time, please?

Mr. Stone:

This would be to override the Mayor motion —

The Chair:

To leave it at \$37,500, Jim.

Mr. O'Malley:

Are you making the motion to override the Mayor's veto?

Mr. Stone:

I'm making a procedural motion. If you want to know what my recommendation is going to be after, I'll tell you that too. It's my belief, in view of where we are on December 31, 1983 that we should not override and we should accept the Mayor's recommendation of \$32,500 and equal it out.

Mr. O'Malley seconded the motion.

Mr. O'Malley:

If the Mayor, when he presented his veto to this Council, would have stated that members of this Council, or myself and four of my colleagues, are not worth a \$10,000 raise, are not worth the 4-1/2 percent increase, then I would find that acceptable. If the Mayor would say that it was politically advantageous for him to veto the Council raise because of public opinion against him at the expense of myself and some of my colleagues, then I can accept that. But the reasons the Mayor stated in his presentation to Council, I personally find unacceptable. I'd like to make a few brief statements of why.

They Mayor's reference to Council pay raises, in conjunction with U.S. Steel layoffs, Giant Eagle and Greyhound, is one, uncalled for, and second, I call it a cheap shot at members of this Council.

Nobody knows better the insensitivity of U.S. Steel than David

Roderick to the workers of U.S. Steel and to this community. Nobody has done more for the unemployed and the underprivileged in the City of Pittsburgh than members of this Council.

Councilman Woods works in distributing food to the unemployed at the food banks. Councilman Tom Flaherty and Dick Givens worked hard to save Nabisco Coalition and Giant Eagle. Myself, I've lobbied for our Legislators and our Congressmen to extend benefits for the unemployed. Bill Robinson, Bob Stone, Michelle Madoff, have all contributed what we can contribute to help resolve the problems, the economic problems that face us in the City of Pittsburgh. That statement that was made in reference to our pay raise and the unemployment was uncalled for.

Two, the economic times, as the Mayor stated in his presentation of the veto on the proposed increase because I believe that during these difficult economic times, a more modest increase is in order, my statistics show that the economy is in much better shape today than it was two years ago. According to statistics, inflation was at 8.6 percent two years ago; today it is at 3.4 percent for a decrease in inflation of 5.2 percent. There's only a .7/10 of a percent in unemployment between now and two years ago.

Two years ago the Mayor recommended a \$10,000 increase for my colleagues on City Council. Mr. Woods, Mr. Stone, Mrs. Masloff and Mr. Robinson, that \$10,000 raise two years ago was a 44 percent increase and was passed unanimously by this Council. Our \$10,000 was predicated on what the Mayor recommended two years ago.

I'm also disappointed that the Mayor failed to disclose the real facts behind Council's increase. I felt that this

was one way that the public would have a better understanding. Instead of criticizing five members of this Council, my feeling is that the five members of this Council have been setting an example for the rest of the City because we have not received a pay increase for four years. I think the taxpayers would be much better off if the rest of the City employees were to follow the example of this Council. And after today, we are not entitled to a pay increase for an additional four years or until 1988 only if we are re-elected. That \$10,000 raise, Mr. DePasquale, breaks down to a 4-1/2 percent pay increase per year.

Another disappointing fact about the Mayor's statement is that the Mayor vetoed the 4-1/2 increase for members of this Council and at the same time he recommended merit increases for 57 of his employees. Those merit increases for 57 of the Mayor's employees comes to a total of \$75,797.00. So, during these hard economic times, it's very difficult for me to understand why this Council cannot justify a 4-1/2 percent raise but the Mayor can recommend merit increases, these are not promotions and not title changes, these are merit increases for 57 of his own people.

To lay the blame for the difficult times on five members of this Council and their \$10,000 pay raise is ridiculous and uncalled for but I'm going to compromise. If indeed we are in hard times, then I think all of us should share this burden equally. In the past two years, well the past four years, myself and my colleagues have not received a pay raise. — We'll take the last two years because we all want to be fair and we all want to share the burden equally. — The past two years the Mayor has made a \$57,000 a year salary, \$30,000 a year more than myself or four of my colleagues. The Department Heads have made \$47,000 a year, or \$20,000 a year

more than myself and my colleagues for a total of \$40,000 for the past two years. Even four members of this Council, Mr. Woods, Mr. Stone, Mr. Robinson and Mrs. Masloff, have made \$5,000 a year more than I have or my colleagues Mr. Flaherty, Mr. Givens, Michelle Madoff, for a total of \$10,000 more than we've made in the last two years.

So, what I want to know is, during these great economic hardships, where has this great outpouring of righteousness been for the past two years when the people who are against this pay raise have not uttered a single syllable about their own salaries, during these hard economic times.

I'm going to ask my colleagues who always prided themselves on being fair, during this motion to override the Mayor's veto, Mr. Woods, Mr. Stone, Mr. DePasquale, to remember three things. The three reasons why I urge you to override the Mayor's veto are 1) for the past four years, regular City employees have received a 24 percent increase and in the next four years it's more than likely that they'll receive an additional 20 percent for a total increase of 44 percent while this pay raise for City Council at best totals only 36 percent up to 1988, which is 8 percent less than the rest of the City employees are going to get.

The second reason is that \$10,000 balances out to 4-1/2 percent a year. It is the same amount of increase for myself and my colleagues that the Mayor recommended two years ago for yourself and your colleagues.

Thirdly, while the Mayor has vetoed this raise for myself and my colleagues, he has granted a merit increase to 57 of his own people which I find totally unjust and uncalled for.

Michelle Madoff:

Mr. President, if I may add to what my colleague has said, I think he did not include — correct me Councilman O'Malley — that not only would these people with merit raises get a cost of living increase and he has some very good arguments. I have been out on the speaking trail and I remind everybody that we have a huge debt, the City is virtually bankrupt, and to lay the problem on Council and make us the scapegoats is absolutely unconscionable when indeed the Mayor, the year before he ran for office, did not have any tax increase, he gets elected in November and in December we have an unprecedented tax increase of 20 percent and he raises his own department heads \$10,000 for which I voted against.

I disagree with my colleague Councilman O'Malley only in that two wrongs don't make a right. I think that we should go back to setting an example; I would take \$27,500, that's why I asked if we could open up the budget, stay at \$27,500 and even though four of my colleagues have earned \$5,000 over the last four years, if they're willing to go back and join us and set an example for the rest of the country that's fine.

I have a prepared statement that I would like to read very briefly. It's one paragraph. However, I believe the Administration can do no less. The Mayor must also retract the \$10,000 salaries to department heads granted two years ago by at least \$5,000 and lower his own salary by the same amount, \$5,000. It's time the Administration stopped using Council as a sacrificial lamb and I challenge Mayor Caliguiri to put his money where his veto is. He's vetoing us, he wants us to set an example, he's saying it's bad times. There were more people put out of work when he raised the budget by 20 percent

and gave his own staff \$10,000 raises. Let him cut back on the department heads including Mr. Pellegrini, who is sitting there very seriously looking at us, by \$5,000 and let him take a \$5,000 cut himself and let us go back and set the same example.

Mr. Givens:

Mr. President, any time you evaluate anything in figures, it gets very, very touchy. I myself have been sitting on this Council for some eight years. Thus, to establish this particular budget in 1984 and to justify all raises, one must go back and we're looking for parity. I think that's what we're all here for, to be sure that everyone gets the like amount of money or something similar to that. It's interesting to note, to the public, to the news media here, that when I came on this Council the budget of the City of Pittsburgh, eight years ago, was \$98 million. Today and for the 1984 budget, eight years later, it is \$266 million.

Let's go back to 1976 when Dick Givens and a few others became Councilmen here. We were paid at \$20,000 at that particular time. Note where the budget when now, from 1976 at \$98 million to today of \$266 million; that's about a three-fold or two and a half fold in our budget. Where did the Council go? From \$20,000 to, take the Mayor's suggestion, to \$32,000. That's about a one-third increase.

Let's look across the hall. In the last four years, this budget has gone rampant. There are people who are sitting in this Council who did not vote for that budget; Dick Givens was one of them, Michelle Madoff and Bill Robinson. We were the people that four years ago were saying that this budget was out of control. It was a snowball going down the hill. It was an avalanche and the Council was being swept up into

it. That's what happened. These people who were in here last Tuesday, God bless them, they were absolutely right. It's too bad that they weren't here four years ago to scrutinize Council's increase and that of all other department heads. Okay, Dick Givens was at \$20,000 a year. Taking all the pay raises that I have received up to date, and these are the statistics from our Finance Department, they're not mine, and they're done in good mathematical terms I hope, the increase of this Councilman has been 37.5 percent to this day. The increase of the Mayor up to this day has been 62.9 percent. The increase for my fellow Councilmembers has been 62.5 percent. The increase for the major departments has been 61 percent. The increase for the various other average employees like the painting supervisor, traffic supervisor, construction supervisor, 63.9 percent. That's what happened today. What this Council is trying to do is what the papers so describe very adamantly. We're trying to leap frog over our fellow Councilmen. That is the box that we have been put into. I don't think we're going to get out of that particular box.

If I look across the street to the County officials, I look at our County Commissioners \$40,000 a year, I look at the Mayor making \$57,000 a year, I look at our Council in a split issue, one making \$27,500 and the other \$32,500, I look at my fellow row officers making \$30,000 a year, \$32,000 hopefully by 1984. When I look at those comparisons, the Council is slipping further and further into the hole. The employees of the City of Pittsburgh and the employees of the County, the County has remained reasonable. This body has not remained reasonable. That's a startling fact that no one can change four years later, eight years later. We have put ourselves into a box. The solution that the Mayor gives at \$32,500 will not get those five

Councilpeople out of that particular box. There are 5,000 City employees; all of them have been justly compensated. If we vote to sustain the Mayor's veto and ask for the citizens to give the elected officials on a yearly basis a pay increase, you can forget about it. That means that the Councilpeople that are making \$32,500 right now will be locked into that until the year 1989. 1989. For six years they will not receive an increase and naturally it will be at least four years before my particular group will receive any type of an increase.

For that reason and that reason alone, I cannot justify and what's happened if you look back, for example in 1980, under our department heads we had a three tier department head system. We lumped it all together. For example, some department heads in just one year went from \$33,800 to \$41,000.

I'll just recap. \$20,000, \$27,500 or even \$32,000, whichever way you want to look at it, and the department heads from \$29,000 up to \$49,000. They made a \$20,000 increase in these 8 years. This Council is just looking for parity. That parity will only give this Councilman something like a \$17,000 increase. And this is the bottom line, I am, along with four other Councilpeople, locked in for four more years. The other group, each and every succeeding year, will have at least 5 percent increments. Jim O'Malley independently came out with the same type of synopsis. Here's the list that I asked and I gave to the media but they never put into the newspapers. There's 108 people on this making over \$37,000, 1983 figures. Let me give you with just a 5 percent increase —

The Chair:

Mr. Givens, if I may. Dick, you've made your point; I think you've made it well.

Mr. Given:

I'm not going to read the whole thing. I'm just going to hit Council's budget. For example, the Budget Controller in 1987, just getting a 5 percent increase, will be making \$45,000. The Chief Clerk, Mike Perry, will be making \$48,000. The Mayor, just assuming a 5 percent increase and he's gotten more than a 5 percent increase, will be making \$69,000. His Executive Secretary, Dave Matter, will be making \$60,000 while these five Councilpeople sit here. And the other people might sit for 6 years. Just keep that in mind. The City Controller, he'll be sitting at \$43,000. That didn't include what happened in this particular budget, he'll be right up around \$50,000 to \$60,000. His Deputy Controller will be up to \$57,000. The Director of Finance will be almost at \$61,000. The City Solicitor, Danny, will be at \$57,000. Personnel and Civil Service Commission will be at \$57,000. Other people, City Planning, \$57,000.

This is what's happening in the real world. By the time four years rolls out, there won't be 108, there will probably be close to 500 people on this list. You tell me how this Council can sit here and say we'll go along with the Mayor's recommendation. That's all I have.

Mr. Robinson:

Mr. President and members of Council, just a few comments if I might. I think that the political consequences of our discussion of the salary issue and those other veto items in the Mayor's budget perhaps, at this point, are beyond our comprehension but I don't think we should minimize the potential for constituent reaction, not just to this pay raise issue but to the issue of the manner in which the Council is —

The Chair:

Mr. Robinson, I hate to interrupt you. If I may, those of you who are standing, will you please sit because there are people behind you that can't see.

Mr. Robinson:

I think we should be very mindful of the constituent pressure that has been raised, not only around the issue of the salary but the manner in which this Council and the Administration is addressing and has been addressing the fiscal condition of this City. There are some disagreements as to what our fiscal condition is but one thing is for sure; we are one of the few major cities in this country that is increasing its budget and its expenditures during a time of national recession. Governments across this country are reducing their budgets, reorganizing their services. We are doing the opposite. To some degree, the issue of our salaries is tied to the complex problem of how do we fiscally manage this City. The salaries are the most obvious indicator that something is wrong. In the face of severe economic times, we are continuing to increase salaries, not just for Council but we are continuing to increase salaries in the City of Pittsburgh and I have to say openly and honestly that I am not quite sure why. I am not quite sure why we are one of the few cities where we continue to increase services. We are not cutting taxes, we are increasing taxes. We're in no way, I think, trying to seriously deal with the fact that the economy is in a very bad shape and that we need to do some things to seriously address that and the salary issue is one that we're going to have to get under control soon.

Very specifically about the salaries. In 1978 when I came on this

Council, I indicated that I thought we had a problem with increasing the salaries of the department heads. The record will reflect that. I indicated that I thought we had a problem with giving out merit raises, a couple with salary increases that seem to be excessive and the justification for those increases I personally did feel were adequate. I think we still have that same problem today.

In 1981 when the issue of salary increases was discussed, the record will reflect that I indicated that I did not think we should give out any merit increases. I also indicated that I thought we should not be raising the salaries of our department heads to a point that the difference between a department head and members of this Council was significant. In 1983 we have exactly that kind of situation. As many members of this Council, Councilman O'Malley and others, rightfully so believe that their compensation should indeed relate to the kind of time they put in effort and that certainly we should not sit here and approve raises for department heads and merit increases and then deny ourselves.

Again we have a dilemma that I think this Council has created by maybe not seriously looking at this whole issue of increasing people's salaries and then putting on top of that merit increases.

In 1981 when the Mayor proposed a \$10,000 increase for each member of Council, an increase which I benefitted from, I suggested a higher raise. In fact, I suggested two higher raises. I suggested that Council's salaries be \$37,000 starting in 1982. I forthrightly said because I believe that our salaries should be adjusted up to a level where we can live with it, all of us, all nine of us. That proposal was not supported. I think proposed \$35,000 for the same reasons. That proposal was not supported. The

Mayor at that time was going to get a \$10,000 increase. That increase was put up \$2,500 more. I objected to that strenuously. When I finally voted for the budget I said that I'm voting for this budget as a package but there are some very specific things in there I object to.

So, I'm still on record as looking for parity. I'm still on record as supporting higher salaries for members of this Council. But in 1983, the constituent pressure is too great and I'm willing to say it. The people who I think I represent have told me that they cannot understand why members of this Council need such a significant pay raise. And believe me, they are not ready to deal with the logical, mathematical explanations. The people I represent, they don't want to hear that. And they certainly don't want to hear it from me and I'm going to say right here in this Council that I am not willing to go against the overwhelming wishes of my constituents in the pay raise issue in 1983.

I'd just like to close by saying that I am in no way trying to grandstand, I am in no way trying to assure re-election in 1985. I think that people of this City are intelligent enough and bright enough to select those people to serve on this Council that they think will serve them best. If we can have any reminder of how fragile this situation is, ask all those people who thought they had it made, who are not here or who were here and are not here. In 1978, I raised this issue of these salaries and I have no objection to making \$32,500 a year. But in 1981, I had no objection to making \$37,000. But I said it in 1981 and not one member of this Council would support me, for whatever reasons, and I went along with their wishes for \$32,500 and I said, and it's in the record, that I believe in parity, all of us should be making the exact same salary. I supported Councilman

Flaherty's referendum 100 percent. The record will reflect that. But in 1983, with all due respect to my colleagues, I am not willing to go beyond \$32,500 for your salaries.

The Chair:

Mr. Robinson, I don't want to get into a discussion with you but there's one thing I don't quite understand. You said that you were opposed to \$32,500 yet you recommended \$37,500. That I don't follow at all.

Mr. Robinson:

In 1981, the Mayor had proposed a \$10,000 increase for four new members of Council. At that time, I indicated that I thought our salaries should be higher, that the salaries for the new incoming members Council, whoever they were, I said should be \$37,000. No one would support that. I then recommended \$35,000. No one would support that. The motion was then made by the Chair to accept the \$32,500 figure; I voted to support that but with the reservations that I felt that we were doing ourselves an injustice and the incoming members of Council. Then I finally voted because I said, in the spirit of compromise, I would go along with the \$32,500 figure.

The Chair:

Thank you.

Mr. Flaherty:

Mr. President, I believe that all speakers have addressed the concept of equity or fairness or parity in one way or the other. I think that there is the perception that equalizing the salaries at \$32,500 is going to create equity and parity. On the surface, it seems that way but if one understands where we

came from on this Council, you have a very blatant unfairness. As I said a few days ago when Council acted on this measure in Committee, Council had uniform salaries prior to the enactment of the Home Rule Charter which changed that by saying that members of Council cannot receive a raise during their term of office. Since Councilmembers are elected on staggered terms, that triggered what is now referred to as the leap frog system. In 1978, the first frog leaped and that was the group that consists of Councilmembers Robinson, Stone, Woods and Masloff. They leaped ahead and they started it rolling. Subsequently in the past six years, they have received more money totally than the other group which consists of our President, Councilman O'Malley, Councilwoman Madoff, Councilman Givens and myself. You will only have equity when you end with the group that was second in line. You will not have equity, in fact, you will create a greater disparity if you attempt to freeze the group or only give the increase to \$32,500 with this group because what is going to happen, and I'll go on record as saying this and let any of my colleagues say that they dispute me on this issue, the first group that leaped is going to leap again in 1985. They're going to leap again. If any of them say that they're not going to leap again then we can poll them right now and go on public record that they're going to keep their salaries at \$32,500. Sophie's one of them.

Mrs. Masloff:

Take my word for it. I'll stay at \$32,500.

Mr. Flaherty:

Alright, that's commendable, Sophie. So, we have one member that is going to go on record saying that.

What you're going to have is one group that is going to get it coming and they're going to get it going. Nobody could dispute those facts that I put on the blackboard. Nobody from the audience, no one on this Council could dispute those facts. They were six figures under two classifications. A second-grader could understand them and if they were wrong a second-grader could see where they were wrong. But it's a very simple issue; it's an issue of equity and it's an issue of fairness.

Granted, this has to be balanced by the heat of the kitchen and to a certain degree, the economy and the grandstanding that goes on but what I say is that members of Council are a classification. They are a classification of workers and all classifications of workers are entitled to equitable pay. Members of City Council should be no different on this issue and to make them different is unfair. What startles me even more, and I mean it really startles me, is that our colleagues are going to do this to us. Our colleagues are going to be unfair to other colleagues on this issue.

There was a reform question that this Council put on the ballot close to two years ago, before the Administration took a stand on this issue, before the media took a stand on this issue. This Council was out front with an eminently fair question. I know some of the members on this Council who pushed for that question got lambasted and got blasted unjustly by certain aspects of the media because whenever you try to address the issue of salaries of public officials you have demagogues that will just gore the ox irrationally.

That's what it was. And Council's ox is going to get gored today, there's no doubt about it, because it's an easy deflection of what the real problems

are. It's an easy reflection of what the real problem is, the lay-off of thousands of workers at U.S. Steel. That's because we can't do anything with that problem so rather than admit our incompetence we gore some weak ox. That's all it is.

What is going to happen is that the group on this Council that is first out of the block also wants to be the last ones home. They're going to leave the ones in the middle dangling. That is really wrong. That is really unfair. I don't care what the heat of that kitchen is, that's what public officials are for and that's what made great public officials. They could take the heat of the kitchen when they felt that they were arguing from a foundation of what is truth and what is fair. We wouldn't have the greatness in this country today if there weren't public officials that wouldn't stand up and wouldn't even risk political defeat. There have been many of them that have gone down the tubes and have lost elections because they were ahead of their time on issues.

Granted, this isn't an issue that is popular to start with, but it's an issue that does see that there is a lacking of fairness. Whenever there's an issue that lacks fairness, that should be the top priority of a public official, to correct that unfairness.

Now at our public hearing, these Chambers were clamoring. They wanted blood. But the thing is, it was irrational because we must have had 300 people here and not one of them knew what that referendum said two years ago. I would venture to say out of that ignorance there were probably a lot of people that voted against that referendum question and that's why we are experiencing the ripping effect of the government today, because of the ignorance on that question.

I ask my colleagues on Council to be fair, to take the heat of the kitchen. There's been more vote switching on this issue than any issue I have ever seen. I think four or five members of Council have gone back and forth on this issue. It's not because of the principle, it's because of heat. Stand up for principle.

Mr. Woods:

I have one more thing. I don't want to get into personalities or debates, but if we all look back at just the last four years when, Tom, you came on originally and Jim and a few other people, you made \$27,500. The group that I'm in made \$22,500 for two years. Then the group that I came into made \$32,500. Five more thousand than you did. So, let's be honest. For the last four years, just for four years that you've been on Council, everything has equaled out, everyone has made the same amount of money for the last four years. That's all I'm speaking about. Prior to that, in '78, the group that I'm in made \$2,500 more than the group you're in. So, that's \$5,000 more. But if we just take from when you and Jim came on, the last four years, it's been equal. Would you not say that?

Mr. Flaherty:

I would say that, Ben, but —

The Chair:

Mr. Flaherty, let's not have a debate on it.

Mr. Flaherty:

Mr. President, I think we're conducting a very cultivated, civilized dialogue here. What I am saying —

The Chair:

Mr. Flaherty, if I may, I think we've all talked it to death, in all fairness. The issue is there, we know what we're going to do so let's vote.

Mr. Flaherty:

What I am saying, Ben, granted, you can take any year that suits you. I can say in the last two years that you have made \$5,000 more than us. But what you have to say if you want to get to truth, you have to go to the source, you have to go to the root, you have to go to the beginning. That's where all truth comes from. Truth doesn't come in the middle and it doesn't come at the end. Truth comes at the beginning, Ben. And the beginning was 1978.

Mr. Woods:

Since 1978, what is the difference?

Mr. Flaherty:

The difference is \$5,000.

Mr. Woods:

That's exactly right.

Mr. Flaherty:

Well, would you support a measure then to give equity along the lines of \$5,000? What's going to happen, Ben, you know it —

The Chair:

We're arguing what came first, the chicken or the egg. Let's get on to the issue.

Mr. Flaherty:

Wait a minute. Ben, you were for

this and now you're changing. I think you knew what truth was and I'm just saying, "Hey, there's been a lot of heat out there; let's stick by principle on this thing." This is right, Ben. You can't dispute that you're getting \$5,000 more by group. And in 1985 you'll even aggravate that disparity more because your group is going to take another pay raise along with the Mayor and this group is going to be stuck again. Correct?

Mr. Woods:

No.

Mr. Flaherty:

Aren't you going to take a pay raise?

The Chair:

Members of Council, please. Ben, Tom, please let's get on with this. This could go on all day, Tom.

Michelle Madoff:

We have all day.

The Chair:

You have all day but you've made your point. Once you make your point there's no sense elaborating.

Mr. Woods:

All I'm saying is that you cannot say that you have not been dealt fairly because you've made the same amount of money for four years as Councilman Robinson has, as Sophie Masloff and as Bob Stone. The last four years you have made the same amount of money.

Mr. Flaherty:

I have been dealt fairly but there's

a greater issue than myself. Councilman Givens hasn't been dealt fairly, Councilman DePasquale hasn't been dealt fairly and Councilwoman Michelle Madoff has not been dealt fairly with.

In closing, I want to get to the point. The members of Council that received the big pay raise two years ago, this group supported you, it was a unanimous vote. And now when it comes time to equalize, to give real equity, then we see the falling away. I don't think it's coincidental that the unified opposition to equity is with the group that received the increase two years ago. And as Councilman Robinson said, he supported \$35,000, he supported \$37,000. Well, Councilman Robinson was going to benefit from \$35,000 and \$37,000 and the other ones weren't. Honestly, I don't see what's so magnanimous about that. Just give the equity to the ones now who deserve the equity.

The Chair:

Question called for. If I may before we call the vote, just so there will be no confusion, your vote is aye to override the Mayor's veto, nay to sustain.

Clerk call the roll.

Mr. Woods:

Tom, before you vote, may I ask one thing? If we vote to sustain the Mayor's veto, when are we going to discuss these pay raises?

Mr. Stone:

I've already got a motion —

Mr. Flaherty:

How's that Ben?

Mr. Woods:

If we uphold his veto, then are we going to discuss the pay raises?

Mr. Flaherty:

No.

The Chair:

Yes. You can reopen the budget. You can make a resolution but I don't think you can discuss it here. If I follow the Parliamentary correctly we can't vote on a —

Mr. Stone:

After this is over, I have a motion if it's necessary.

Mr. Woods:

Wait a minute. Everybody has to understand this. If we uphold the veto, we are not automatically at \$32,000 or at \$27,000, whatever. Then it's up for discussion again in another offer, another resolution of pay raise.

Everyone here has to understand that.

The Chair:

The Parliamentary is nodding yes. That's good enough for the Chair and I think for the members of Council. May we continue with the vote, please?

Mr. Givens:

I vote aye and I think Bill made one statement that I would like to make a correction on. When he asked for that \$37,000, I seconded that motion because of what was happening in government. When he went for \$35,000, I also seconded that particular motion. Two

years ago —

The Chair:

If I may, Mr. Givens, I understand what you're saying. We've talked it to death. Bite the bullet.

Mr. Givens:

I just wanted to make some corrections in my final vote. For the last four years, this Councilman has not voted in total for the increasing budgets that we've had in this Council. I have not voted for the increasing of these budgets because what is happening today was predicted four years ago by this Councilman. Thank you.

Michelle Madoff:

Before I give my vote, I'll be very brief, Mr. President. You know I resent the comments made that when one changes one's mind, one is being unfair and one is vacillating, and I've been accused of losing my credibility. To err is human. If you make a mistake, you say I'm sorry, I made a mistake. I gave my word that I would not raise the salary until the economics of this country turned around, and they may be turning around in other places like Houston, and down south, but Pittsburgh certainly hasn't had a turnaround.

If there's been any pressure on this Councilwoman, it has not come as much from the public as it has come from her own colleagues. I just want to go on record as saying that I am going to vote to override the Mayor's veto, not to support the \$32,000, but to go for \$27,500.

Mrs. Masloff:

I vote no to sustain the Mayor's veto.

Mr. O'Malley:

I vote aye, and I'd just to like remind my colleagues that there's no guarantee that the referendum is going to pass in two years. In all the times that I've worked here with Mr. DePasquale, Mr. Stone and Mr. Woods, they've always dealt with what they considered to be fairness. There's no guarantee that referendum should pass, and the time to equalize the pay is, as Mr. Flaherty said, two years from now, not today.

Michelle Madoff:

Excuse me, Mr. President?

The Chair:

Please, Michelle.

Michelle Madoff:

I would like to change my vote, because I want to vote against the \$32,000 and vote for \$27,500. Whichever way that vote goes.

The Chair:

Are you voting aye or no, Michelle?

Michelle Madoff:

No.

Mr. O'Malley:

Why don't we ask Mr. Ferlo, which way Michelle votes? Mr. Ferlo, which way is Michelle voting?

Michelle Madoff:

If I want to vote for \$27,500—excuse me, I'm asking the Parliamentarian.

The Chair:

You can only vote for the one issue.

Michelle Madoff:

The issue is do I vote—

Mr. Pellegrini:

You vote to override or not to override. You vote yes to override—

Michelle Madoff:

How many votes do we have now?

Mr. O'Malley:

We're not finished.

The Chair:

Michelle, you are completely out of order. How are you voting, aye or no?

Michelle Madoff:

I'll stay with my vote.

The Chair:

Which way are you voting?

Michelle Madoff:

I'm voting aye to override, because I'm going to go with \$27,500.

The Chair:

Wait a minute, she's saying I'm voting aye at \$27,500. She can't do that. You're either voting to override or sustain.

Michelle Madoff:

I'm overriding the Mayor's veto.

The Chair:

You're voting aye, continue.

Mr. Robinson:

No.

Mr. Stone:

No.

Mr. Woods:

I'm voting no, and I openly admit because it's public pressure.

The Chair:

I'm going to vote aye to override the Mayor's veto.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. DePasquale
Michelle Madoff	(Pres't)

AYES 5 NOES 4

VOTING NO:

Mrs. Masloff	Mr. Stone
Mr. Robinson	Mr. Woods

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Michelle Madoff:

Mr. Pellegrini, would it be in order in the next five weeks to introduce a resolution opening the budget to change it to \$27,500?

Mr. Pellegrini:

You can't do that.

Michelle Madoff:

But we can't do that—

The Chair:

Mr. Stone has the floor.

Mr. Stone:

Mr. President, I'd like to introduce — and I'm giving a copy to every Councilmember — a resolution supplementing a resolution fixing the number and officers and employees of the City of Pittsburgh, providing for the appropriation of salaries for five Councilmembers whose terms of office begin the first day of January of '84.

In effect, what I'm doing is proposing a \$5,000 increase, which would bring that \$32,500 equal with the other Councilmen, but the technical language is what I've just read, and I think everybody has a copy, and I presented the City Clerk with the original. What that amounts to is a number of Council, it would be five members, the rate of pay \$32,500, obviously, for 12 months of this year, the amount would be \$162,500, and the adjusted total would be \$450,006.

Mrs. Masloff seconded the motion.

Mr. Flaherty:

Wait a minute. What are we doing?

The Chair:

\$32,500—

Mr. Stone:

The abbreviated form is a \$5,000 increase to make it \$32,500. If you don't do this now, make a substitute motion, those Councilpersons would be stuck at \$27,500. So what I'm trying to do is to increase it to make it equal with everybody else. Are we going to have another motion on this issue, or —

Mr. Stone:

I'm making a motion, Tom.

Michelle Madoff:

And I'm amending the motion. I'd like to amend the motion and make it \$27,500. Sophie Masloff said that she was willing to accept—

The Chair:

Is there a second to the amendment? Second to the amendment without a speech, Michelle.

Michelle Madoff:

Sophie said that she was willing to support \$27,500. Will you do that, Sophie?

The Chair:

If there is no second to the motion —

Michelle Madoff:

Sophie is seconding my motion.

The Chair:

Is there a second on the

amendment?

Mrs. Masloff:

Wait a minute, wait a minute, I can only second one at a time.

Michelle Madoff:

Withdraw your last second. Withdraw your second, Sophie. You told me —

The Chair:

Sophie withdraws her second. Is there a second on the motion for \$27,500? There being none, it fails. Roll call vote on the \$32,500.

Mr. Flaherty:

Aye.

Mr. Givens:

I vote aye, but I think we're leaving a little bit off of that resolution, and I'd like to amend that resolution with my aye vote, that the Mayor introduce the legislation within the first weeks of January to have a referendum on the ballot this coming May wherein all the elected officials, all the elected officials will be on a yearly basis and not on a four-year basis as we presently are, which would be a change in the Charter. Would that be appropriate at this time? That is what the Mayor had in his recommendation to this Council, and I think it should be a part of the legislation, so if anything happens downstream, at least a couple Councilpeople might have some court action to come back and do something in the civil courts.

I ask for a motion, Mr. President.

Michelle Madoff:

You can't in the middle of a vote. We're in the middle of a vote, Mr. Givens.

Mr. Givens:

No, I want to amend the bloody --

The Chair:

You're voting on the one issue. When the issue's over --

Michelle Madoff:

I say bloody, you get up and walk out.

The Chair:

You can amend at the end of -- you're voting on the issue now. You can't amend an issue you are voting on. You had your chance for discussion.

Mr. Givens:

I am voting on an issue, and I want to amend that--

The Chair:

Once the voting starts, Mr. Givens, it must be completed. Then you can make your amendments.

Michelle Madoff:

I am going to -- while everybody's telling me how to vote from the audience, I am going to vote against the \$32,500, because I think we should stay at \$27,500. I agree with my colleagues who said that we represent the public, and the public has been heard loud and clear.

Mrs. Masloff:

Mr. Pellegrini, I want to ask you a question. Can the members of Council who are elected and not newly elected this year, can they vote to change their own salaries either up or down?

The Chair:

No. This has to be completed today, Sophie.

Mrs. Masloff:

I vote for \$32,500.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mr. Robinson
Mr. Givens Mr. Stone
Mrs. Masloff Mr. Woods
Mr. O'Malley Mr. DePasquale
 (Pres't)

(MICHELLE MADOFF, VOTING NO)

AYES 8 NOES 1

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Stone:

The next item—

Mr. Givens:

Hold it, I had an amendment to add to that resolution.

Michelle Madoff:

You can't amend it, it's already passed.

Mr. Stone:

If I may, Dick, one's budgetary and the other is a matter that has to be done. The Mayor in his letter of December 30 indicated he'd be willing to do that, Council's already expressed their desire to do it, and I think we ought to get on with that, but one thing for sure that ought to be done is that thing on—

Mr. Givens:

What happens then, Robert, when the public out there says no? Then what happens?

The Chair:

Well, then, they're going to cut their own throats. I doubt if they'll say no to this issue, because it's cut and

dry. I think the last time that someone said they weren't quite sure of it or didn't look at it close enough to really realize what they were voting on, they'll know in the future, and I presume that they will go along with the yearly increase cost of living or whatever.

Mr. Givens:

God bless them.

Mr. Stone:

Mr. President, if I may, relative now to Code Accounts 55, 56, 58 this is a matter of pension increases. The Mayor has vetoed those items and we have the opportunity to override or sustain. Presently they are at \$36. The Mayor has indicated a recommendation wherein he has set certain classes of it, and changed portions of it.

As Finance Chairman, I would like to first tell you what I recommend, and then we'll go to the vote, if I may. It's my belief that we ought to sustain the Mayor's veto on the \$36, and we ought to take a compromise figure of \$25 across the board.

The Chair:

Excuse me, Mr. Stone. With one exception, Mr. Clerk, I think the proper procedure is that there has to be a motion to override; if there is no motion to override, then a motion to sustain.

Mr. Stone:

No, I'm going to explain it all, and then I'll come back to the technical —

The Chair:

I just wanted to be sure, Bob.

Mr. Stone:

No problem, so what I'm suggesting is that we sustain the Mayor's veto on the amount that is there, and the Mayor suggested some change of figures. I recommend that we then put a substitute bill in, which will give \$25 across the board.

Now, the Mayor in his letter indicated otherwise and in the spirit of trying to work something out that gets fairness — I just was handed a letter from the Mayor that he would be inclined to go along with the \$25 across the board for pensioners, but he wants it understood that it is his feelings that that should be a two-year agreement. I just was handed this matter in trying to work it out.

The Chair:

The only problem I have with it, Mr. Stone, is that you have a motion to sustain, and do I hear a second?

Mr. Woods seconded the motion.

The Chair:

Now, it's proper for someone to amend that to \$25 or whatever.

Mr. O'Malley:

I'd like to make a second motion to override the Mayor's veto.

Mr. Stone:

Wait a minute.

The Chair:

Mr. Stone still has the floor.

Mr. Stone:

If you'll let me finish, I think we can get it clear. I think we ought to vote the same way, either to override or sustain, okay, but I'm giving my recommendation which I think, based on the needs of the pensioners plus the problems of —

Michelle Madoff:

You're out of order, Mr. Stone. You're not to do that until it's open for discussion.

The Chair:

Michelle, it is open for discussion, and if an amendment is to be made for \$25 — do you want to make that amendment, Bob, even though you mention —

Mr. Stone:

No, what I'm suggesting is —

Michelle Madoff:

The first issue is veto it; override or not to override. As Mr. Stone would say, as Finance Chairman, we take things in order. In order we either override or we do not override.

Mr. Stone:

If you'll permit me, I just want to make it clear for everybody what I'm suggesting here.

Michelle Madoff:

We can do that when we have discussion.

The Chair:

Michelle, please.

Mr. Stone:

The motion will have to be as —

Michelle Madoff:

Always, unless in Robert Rade's rules.

Mr. Stone:

The motion will still have to be to override or sustain, and I'm suggesting in the sense of compromise that it be sustained, and we take what I'm suggesting here as the compromise of \$25 across the board.

I'm just trying to tell everybody where I'm going with the thing.

Mr. Flaherty:

A point of information, Mr. President.

The Chair:

Aye to override, no to sustain.

Michelle Madoff:

If it's good enough for the goose, it's good enough for the gander. If he can give you his recommendations now, I'll give mine. Excuse me, Mr. Stone just gave his recommendations out of sync, not waiting for his turn. I'd like to do the same thing.

The Chair:

Please, let's stop the crossfire. What's your recommendation, Michelle?

Michelle Madoff:

I yield to you, Councilman Flaherty.

Mr. Flaherty:

Thank you, Michelle. Mr. Stone, are you moving, then, that this Council override the Mayor, correct?

Mr. Stone:

I'm suggesting we do —

Mr. Flaherty:

Just on this vote. Not anything subsequently. We are to override the Mayor, that's what you are asking.

Mr. Stone:

The formal motion I'm making, okay, but I thought in fairness to everybody here, I would tell you where I'm going so you understand it.

Mr. Flaherty:

Well, that would be a subsequent motion, correct?

Mr. Stone:

Yes, but I think, Tom —

Mr. Flaherty:

I mean you can attach your recommendation to the veto —

Mr. Stone:

No.

Michelle Madoff:

Mr. Pellegrini says no.

Mr. Flaherty:

Well, why don't we just have the veto out of the way? Why don't we just move —

The Chair:

That's what I'm trying to do, Mr. Flaherty. I've been trying to do it for 15 minutes.

Mr. Woods:

Mr. President, if I may, please, and I think there's a little confusion here. Tom asked Mr. Stone is his motion to override the Mayor's veto.

The Chair:

Right.

Mr. Woods:

I believe that — he does not want to override. He wants to sustain the veto, and then we can discuss the —

The Chair:

He made the motion to override, because that's the proper motion, but —

Michelle Madoff:

According to Mr. Pellegrini, he doesn't —

Mr. Stone:

Let me procedurally, this is not what I'm going to vote, but I'm procedurally, I move to override.

Mr. O'Malley seconded the motion.

The Chair:

Aye to override the veto, no to sustain.

Michelle Madoff:

May we have discussion?

The Chair:

Why discuss it, Michelle?

Michelle Madoff:

Because Mr. Stone discussed it and I would like to discuss it.

Michelle Madoff:

All right, I will go with Mr. Flaherty. We'll do the proper procedure even though Mr. Stone did not. We will vote to override or not, and then I will make my recommendations.

The Chair:

Start the voting, please.

Mr. Stone:

Mr. President, if I may, I think we need one point clear. What has been indicated we must vote on, but I'm just saying this in front so everybody understands. I will not be voting for the override for the reason that I think we ought to sustain the Mayor's motion, and then my next motion will be that we give a \$25 across the board increase.

The Chair:

I think you made that clear, Mr. Stone.

Michelle Madoff:

Excuse me, Mr. President, may I get clarification from the Parliamentarian?

The Chair:

For what?

Michelle Madoff:

Mr. Pellegrini, while Mr. Stone was talking was shaking his head, are you saying that's a correct or incorrect procedure?

Mr. Pellegrini:

I was just shaking my head.

Michelle Madoff:

I don't blame you.

The Chair:

Roll call vote.

Mr. Flaherty:

Aye.

Mr. Givens:

This is to override, right?

The Chair:

Aye to override, no to sustain.

Mr. Givens:

I'm voting aye, and I'd to state my reasons why. We asked for a \$36 a month for pensioners whose actual cost of hospitalization, Blue Shield, Blue Cross come up to exactly that particular figure this last year, and the debate when we were in committee as indicated to all of us, the figures were so presented and were verified that the total cost of hospitalization, Blue Shield, Blue Cross to any retiree across the country has doubled in three years.

The Mayor brings out in his points on the pension, if we give this \$36 raise, that what it's going to do to the pension system, and that kind of bothers me just

a little bit. I asked the Mayor, many, many years ago to correct the pension liability situation that we had. It took him about four years to do anything. With that he only increased it by \$1 million, the old pension. That's the problem that we have on our debt service. The other thing is we are spending like wildfire in this particular City, going out for \$50- and \$90- million bond issues putting us in debt. We have \$400 million pension liability. We almost have \$400 million outstanding debt, money that we have borrowed. That is what's causing our rating to have dropped three different times in the eight years that I've been on this Council. That is what I've been fighting for. That's what I've been voting no on the budget.

It's very interesting he makes a comparison that this might cost the unfunded liability some \$10.3 million. It was last December when the Mayor did want to go out for his \$50 million bond issue that we gave him the authority to do so, and it's interesting to note that he didn't go out in the April and May timeframe when he should have. He went out in August.

Ladies and gentlemen, that cost the City of Pittsburgh taxpayers interest of \$19 million long term. The same figure that the Mayor quotes in here, there will be a retiree, which will cause a \$19 million deficit in the pension system. I find that really ironic that he makes such a boo-boo in his Administration, and then relates that to a \$36-a-month pensioner increase. I find it ironic.

Michelle Madoff:

Mr. President, I'm going to ask you respectfully to bear with me while I read one paragraph and not interrupt me. Thank you.

This issue of the pensioners receiving \$36 will not even cover the increase in their hospital costs. How callous of the Administration to have put the inability to obtain a commuter tax on the backs of the pensioners. From one who has spent hours with fiscal experts on the problems of the City deficit, the three-quarters-of-a-billion-dollar debt, which includes \$350,000 of unfunded pensions — well, others have said to me, reporters have said to me, but aren't you saying to increase that debt — will not be resolved by putting the monkey on the backs of the pensioners. The answer to solving both the pension problem and Pittsburgh debt must come from metropolitan government, or alternatively an immediate wage tax from all suburbanites working in the City.

How, one may ask, can you achieve this? Let our Administration who has granted tax abatements, eminent domain benefits, and development loans and grants, which we have supported in the Council, call in their brownie points and ask the corporate leadership to inform their employees that one of the conditions of working for their City-based corporation is a requirement — you know, like you say I will commit to giving to United Fund — that we'll pay at least two percent to the City of Pittsburgh. The City of Pittsburgh residents pay three and five, six percent, and usually in the suburbs you pay one or one-and-a-half percent, but they would pay two percent wage tax to the City of Pittsburgh. This is not unprecedented since Warner Cable employees who live in the suburbs but work in the City do pay a wage tax, and that is going to be the only hope in generating revenue.

The only hope Pittsburgh has for fiscal survival is the corporate leadership route. Let's face, it we can never hope to get 102 legislative votes to increase

the wage tax to a needed level. It just isn't going to happen; and for the Administration not to be able to go to the corporate leaders that he meets with every day, every week, and say, come on, Stan Williams, come on, head of Alcoa, come on, head of U.S. Steel or whatever, how about the next time you hire somebody saying, well, would you being willing to give two percent of your salary on a voluntary basis to the City?

They hire, they don't let them stay on or promote them within if they don't give to the United Fund. It's done subtly, but it's done. That's the only route that's going to be effective, unfortunately; and I don't think it's fair to say, well, you're Michelle, you're voting to increase the pension debt when you've been opposed to the pension debt. It's never going to be resolved unless we get some money from the suburbanites, who are feeding off the hub of this City. It just isn't going to happen, and I think to penalize the pensioners who are living on \$300-some a month — would we want to have to live on that when we've given — many of them have been firemen, have gone in and saved lives in fires, and gone down dark alleys, and people are going to say this is demagoguery. How many of us would take that job for that kind of money? We wouldn't do it, and I think it's grossly unfair.

You talk about political pressure from the public, the public pressure, I think the Administration is — we want to talk about political games. Our guru has said you want to run for governor, Mr. Caliguiri, you better not raise that debt, because we have no way of paying it. My vote is obvious. My vote is to override the Mayor.

Mrs. Masloff:

To sustain.

Mr. O'Malley:

I'm going to vote to override the Mayor's veto, and I think certainly this Council has a responsibility to be fiscally responsible to the taxpayers, but in this case I think the cost is too high, the cost of medical benefits for some of our retirees. When a person has to choose between their medical benefits, Blue Cross and Blue Shield, food and gas, then indeed it is a high price that we must pay.

This problem has existed for four years that I've been on this Council, and I think unless something is done about it, it's going to exist for an additional 17 years. I'm voting to override the Mayor's veto with the hope that it will force the Administration and this Council and the unions to bring this problem to a conclusion so that this Council does not have to face it year after year after year, so that the pensioners do not have to come back and ask this Council for crumbs. I vote to override the Mayor's veto.

Mr. Robinson:

Sustain.

Mr. Stoner:

Mr. President, if I may, I think the record will reflect from the time I got onto this Council, I've been a leader on behalf of retirees, and the record, as I indicated, will so reflect. I don't think that we should be discussing whether or not the retirees are entitled to it or not entitled to it. I think that anyone who looks at their status has to appreciate that the need is there, but on the other hand, in December of 1983 going into 1984 we must understand that there's the fiscal well-being. In light of this particular City financially and in light of that, we have to strike a balance, and

what I'm attempting to do in this sense with my recommendation and my vote is to have the possibility for the pensioners' problem to be addressed, and yet at the same time not to fiscally hurt the City.

This will cause a traumatic effect, as the Mayor had indicated with his recommendation, roughly \$10 million. What everybody tends to overlook and I as Finance Chairman could not overlook is the fact that the present grant of \$36 is \$1.3 million, not for one year, but unfortunately for the rest of the lives of those individuals, and if they were to live roughly 15 years, you're talking about close to \$18 million.

In line with that, trying to address their need which is obviously there, trying to address the responsibility of being fiscally responsible to the City of Pittsburgh and its taxpayers, that is the reason I must sustain, and as I indicated, I'll have a recommendation later for \$25 across the board.

Mr. Woods:

I vote to sustain.

The Chair:

Aye to override the veto.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty
Mr. Givens

Mr. O'Malley
Mr. DePasquale

Michelle Madoff (Pres't)

AYES 5 NOES 4

VOTING NO:

Mrs. Masloff Mr. Stone
Mr. Robinson Mr. Woods

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Michelle Madoff:

What does it stay at, as what the Mayor recommended on it the \$25 or a sliding scale?

Mr. Stone:

Until I make this motion, there's no increase, and that's what I'm trying to correct now. He's wiped out the line item.

Mr. President, I think we can vote on this kind of a situation if we can, and I'll have the — do you have the rest of them, Danny? I would like to introduce a resolution, which I'll have for the City Clerk as soon as we correct some of the others.

Supplementing a resolution making appropriations to pay the expenses of conducting the public business by the addition of new line appropriating funds to the Policemen's Relief and Pension Fund, Firemen's Relief and Pension Fund, and Municipal Pension Fund - Old, and providing for increased benefits to certain retired City employees, Code Account 55, Police Relief and Pension Fund, Code Account 56, Firemen's Relief and Pension Fund, Code Account 58, Municipal Pension Fund - Old.

In my motion I'm making a motion that they receive \$25 per retiree per

month, and then the adjusted figures will be in the bill.

Mr. Woods seconded the motion.

Michelle Madoff:

A vote to amend the motion \$36.

Mr. Flaherty seconded the motion.

The Chair:

I'm just wondering if we do that, in light of the fact that the veto was sustained. I don't think you can raise it, Michelle. You can lower it, but I doubt if you can raise it.

Michelle Madoff:

We voted to override and we have a new motion. You have a new motion on amending the motion. Either you have no motion or you have a motion.

The Chair:

Bear in mind what I tell you. I'm for your motion, but I don't know if we can legally do it.

Mr. Flaherty:

Why can't a member of Council amend a motion that's on the floor? I thought any motion was amendable.

The Chair:

Mr. Parliamentarian, we sustained the Mayor's veto on the \$36 for the pensioners. There's been a motion given by Mr. Stone for a \$25 increase a month for pensioners, fire, police, and municipal. It's been seconded; now there's an amendment from Michelle Madoff that will go to \$36, the previous one that the Mayor vetoed. I said in light of that and I want to make it clear,

I'm in favor of the motion, but I don't think it's legal, because we've already had a veto on that amount.

Mr. Pellegrini:

It can be \$35.

Michelle Madoff:

\$35. I amend it to \$35, I compromise.

The Chair:

\$35, legally?

Mr. Flaherty seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

I am supporting the motion for \$35 a month.

Mr. Stone:

Tom, excuse me. Before we vote, can I make a valid point here that I think is important to the vote. I — and if you'll please pardon me, because I don't want to hurt anybody, and that's the reason I'm asking for this privilege at this time. The Mayor has indicated in his proposal that he will support what's in his letter, meaning converse is true, as well. If you do other than what he says he's going to veto it, and they are not going to get an increase unless we come back here after that and go for the \$35.

Now, I have struck what I think is a compromise between the Mayor, and what I'm recommending here in the sense that these pensioners will stand a chance of getting at least the \$25 across the table. I am fearful that if we attempt to

do what we're doing now we may be playing Russian roulette with the pensioners' increases, and I strongly urge we not do that; and I would strongly urge that we leave the original motion so that they can get the \$25 per pensioner per month. We should not send it back to the Mayor knowing he's going to override our veto and put them in jeopardy. That's not fair to them.

Mr. Woods:

Mr. President, I'd also like to add that two weeks ago prior to this issue coming up first in our budget deliberations, I met with a number of the leaders of the pensioners of all groups, and they were more than happy with this recommendation from Councilman Stone, because they were part of it working with him at \$25, and then this thing got out of hand; and he's absolutely right, that's why these line items were vetoed to begin with, not because of the pay raises — let's everybody be honest here — it was because of the pension money. It blew the budget up a million three. That's why it was — I mean everyone can come up here and say in the papers Council gets \$10,000. Looks good, the Mayor vetoes \$10,000. The real purpose for these vetoes was this item right here. Believe me, that is it, and if you want to realize and know the truth, that's the reason for all these vetoes, not \$25,000 a year, but salaries for Council.

Mr. Flaherty:

Well, why did he veto it?

Mr. Woods:

Because —

Mr. Flaherty:

Why didn't he just veto this one issue?

Mr. Woods:

Because it doesn't look good just going against retirees.

Michelle Madoff:

Because he's running for governor.

The Chair:

Michelle, please, let's not campaign today. Will you please, you've been asked if you would withdraw your motion.

Michelle Madoff:

I need clarification from the Parliamentarian. If I don't withdraw is — I stay with my resolution and it passes, they get the \$35. If it fails, what happens then? How do they get the \$35 or the \$25 at least? Have they lost it?

The Chair:

The whole thing is getting a little crazy now. You have a motion on the floor for \$25, a second. You amended that motion to \$35. We're now voting. If it passes, to \$35; if it fails, we go back to the original \$25.

Michelle Madoff:

That's what I want to know, Mr. President.

Mr. Stone:

Mr. President, that's the exact point, I'm just trying to be careful. If it does pass is the danger. The Mayor's going to veto it, and you're now putting them back to nothing. At \$25 it will be approved, at \$36 or \$35 it will not be approved. We are placing them all in jeopardy. The worst thing you can do is to let the \$36 pass. Five votes may get

it, but on an override, you still don't have it, and where you are is putting them in jeopardy.

Mr. Flaherty:

You have five weeks to deal with the Mayor's veto, because Mr. Pellegrini said earlier today that the only issue we had to deal conclusively with this year is the pay raises.

Mr. Stone:

Tom, I don't want to debate with you, I just want to tell you this much. I don't want to put the pensioners' money in jeopardy. Now, if you want to overrule my suggestion to you, you're free to do it, and let the chips fall where they may, and let the blame fall where it may.

The Chair:

In all fairness, Mr. Stone, earlier the Parliamentarian did say that the only issue that we had to decide and vote on it today was the salary increase for Council. The others could be re-opened —

Mr. Stone:

No, no, you can't. You can't open the budget without opening the whole budget. You can make technical changes in that sense after, but you cannot make substantive material changes after the first of the year.

Michelle Madoff:

That's not what the Parliamentarian said, Mr. Stone, two attorneys with different opinions, which is why Council needs its own attorney.

The Chair:

Mr. Pellegrini, will you give us an interpretation on the re-opening of that budget?

Mr. Givens:

This Council can open up that budget anytime they want to under an emergency situation.

The Chair:

Please, Mr. Givens.

Mr. Givens:

Well, I know the budget, I'd like to quote it.

Mr. Pellegrini:

Section 507 of the Home Rule Charter amendment of budget, Council may amend by resolution the operating budget within five weeks after the closing of the fiscal year, but not thereafter except with the approval of the Mayor. Now what happens here is that the whole Code Account including the present pension benefits will veto, so no payments could be made for pensions until it was resolved. So if this is a check to go out January 1, those could not go out.

Michelle Madoff:

So what we're doing is being blackmailed into short-changing the pensioners and going to \$25, because we don't have any way of paying them. It's the old political shell game.

Mr. Flaherty:

Michelle, I wouldn't even address that.

The Chair:

Let's get the vote over with.

Mr. Givens:

I've been waiting in line I think Mr. Flaherty's finished. I looked at the Mayor's veto — you know the whole budget that come over to us — the only changes that were made in that budget is what the Mayor had vetoed. I submit to this Council it is not the Council's budget; it is the Mayor's budget, and Mr. Stone is the pawn of the Mayor, and that's the way it is, and that's the way it's going to be.

The Chair:

We have a motion on the floor to amend to \$35. May we call the roll, please?

Michelle Madoff:

Excuse me one moment. I withdraw my motion.

Mr. Flaherty:

I withdraw my second.

The Chair:

All right, now we will go back to the original motion of \$25 a month. There's been a second. Question called for.

Mr. Flaherty:

I have a question. As Councilman Stone said earlier in his preface remarks the Mayor was maintaining, he would accept the \$25 if that was for two years; is that correct?

Mr. Stone:

What he has indicated, he would not veto the budget on the \$25, but as far as he personally is concerned, it's his interpretation, for him, at least that that's one raise in two years. So, in effect, he would not veto it this year, but if it came up, I assume he'd veto it next year.

Mr. Flaherty:

Well, that's his interpretation, which really doesn't mean anything in an official sense. I'm not saying that in a derogatory sense to the Mayor, but in a legal sense, it's non-existent.

The Chair:

I would presume that if we raise the pensioners \$25 today in this year's budget, the figure, let's say, would go from \$300 to \$325. It would be the same next year, and the year after, and the year after. I don't see in the future anybody lowering that unless there's some drastic measure that has to be taken.

Michelle Madoff:

Mr. Chairman, may I ask you a question please? If we vote on \$25 today — Councilman Flaherty and I just caucussed with the union representatives, and they're afraid that they'll get nothing, they don't want to take that gamble, and I understand where they're coming from.

Supposing we vote for the \$25 today, but since we have five weeks to open the budget, can we then, so that they get paid starting the first of the year, then amend it within five weeks to \$36. They get \$25 the first month, and by the second month we've raised it to \$35 across the board.

Mr. Pellegrini:

You can amend within the first five weeks —

Michelle Madoff:

You also have to what?

Mr. Pellegrini:

But amended revenue, as I understand, must be done within five weeks.

Michelle Madoff:

But what I'm saying to you right now is that they would still get paid the first month; is that correct? Okay, so if I go with \$25 today, it does not close the option of our changing it within the first five weeks to \$36. Thank you. I've rescinded my \$35.

The Chair:

Call the roll, please.

Mr. Flaherty:

I support the \$25. It's unfortunate that we cannot give more to our pensioners because of the threat that they will not receive anything. We always hear the balancing issue on this about the cost to the City, and I do not dispute the cost to the City, but we have a City that increased our annual subsidies on the stadium \$1.8 million along with quite a few other things. As Councilman Givens said at the commencement of this meeting, the budget has increased an astronomical amount in the past six, seven years; and I feel that I can't agree with the priorities established when it comes to pension increases for all City officials, especially when you consider that, as we advance in time, a \$25 increase does not have the

significance today of a \$25 increase six years ago, I'm talking about percentage wise; and we keep coming back with this pat staid figure of \$25, and that ante has to be upped a little just like everyone else is getting their ante up through time, trying to keep within reasonable distance of an inflation that ravaged this country for the past three years.

Mr. Givens:

I vote aye for the \$25 across the board, yet when I see, this two years ago that the Mayor had received a \$17 pay raise. He wants to cut the pensioners, you know, from \$36 a month down to \$25 a month, and this Council sat here for two months and deliberated everything in this budget, and we sent it over to the Mayor, and he rejected every positive attitude; and the total amounts of money didn't add up to a little bit more than about \$1.8, \$1.9 million with a \$266 million budget that he presented to this Council. Shame on the Mayor.

Michelle Madoff:

I remember, Mr. DePasquale, when I got here in '78, I was the only vote the Mayor had for a year, and that was Hate-the-Mayor year, and you led the pack. Aren't you thrilled we're going to be able to have lunch and kibitz. I'm going to reluctantly support the Mayor's veto, and I would like to -- where's the City Clerk? Well, you're the Assistant City Clerk, Linda, would you draw up a resolution to be presented the first week in January when we go back to business to open up the budget and to increase the pension to \$35 for the \$36 that was vetoed, we'll try for \$35? Thank you.

Mrs. Masloff:

Aye.

Mr. O'Malley:

I vote aye, because in the past couple of days my conversations with the Mayor -- he was very adamant that if this Council passed anything but what he recommended and requested that he again was going to veto it; and I was going to take that chance with my pay raise and Council's pay raise, but I'm not willing to take that chance with our retirees. I think they need the money much more now than ever before because of the cost of medical benefits, and I'm not willing to gamble with their money. I vote aye.

Mr. Robinson:

I vote aye, and I'd like to have my comments brought forward from the Council meeting where we took a preliminary vote on the pension issue.

(MR. ROBINSON'S COMMENTS FROM BUDGET HEARING, 12/19/83)

Mr. Robinson:

Mr. President, I'd like Council to consider a couple of things. At our meeting which I believe was last Wednesday, our Finance Director, Mr. Schmeiser, in answering some questions that I had put to him, indicated that in 1984 we were going to have a pension study. It seems to me that your suggestion of \$25 in 1984 is on target in terms of the pension study's potential implications. It's rather obvious that we cannot continue to raise the pensions every year without due consideration of the fact that there is a problem with our pension funds.

The new President of Council will serve on the Pension Board. There are two new members on that board and I think before we approve any finances for that study, one, Council ought to have its

input and we ought to have some sort of pension committee and that we ought to make it rather clear that before we approve anything beyond 1984, that we must have a study, we must go over it, we must have some input into it and we must look to a long-range solution to the pension problem.

I think a lot of discussion today is well meaning, but the figures are such that we don't have all the information we need about our pension system and I don't think we know all the ramifications. I agree with you that it is unfair to our pensioners not to say to them that the financial burden on the City in 1985 would be substantial even if we took them up another \$25. Even if we take them up \$50 now, the problem is going to remain until the Pension Board, the Mayor, the Controller and this Council come together and address our pension situation and make some long-range recommendations that the City can live with and our pensioners can understand.

Unfortunately, we cannot make up all of the shortfall that they are experiencing even if we want to; we simply cannot do it. So, I would hope that this Council would consider insisting that the pension study be completed before we deliberate on the 1985 Budget and that the new President of Council selects some members of this Council to serve on a pension committee.

(END OF COMMENTS)

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Stone:

Mr. President, relative now to the Personnel Appeals Board Salaries, procedurally I move to override the Mayor's veto and vote the salary and appropriation resolution, Code Account 1099, Salaries and Wages, Regular and Temporary Employees, Personnel and Civil Service Commission, and thereby reinstate the salaries in the amount of \$8,710 plus fringe benefits for the members of the Personnel Appeals Board.

Michelle Madoff:

Can we take them separately, Mr. President?

The Chair:

If I may, Michelle, it's only the one issue, the Personnel Appeals Board. He's saying that he's recommending to override the Mayor's veto.

Mr. Givens seconded the motion.

The Chair:

Roll call vote on the Personnel Appeals Board. Aye to override and no to sustain.

Michelle Madoff:

This is on the Appeals Board only?

The Chair:

On the \$8,710.

Michelle Madoff:

Can we have discussion on this? With reference to the Personnel Appeals Board, my position is to keep the board in place. I had asked the Mayor to change the budget to \$100 per diem. In his infinite wisdom, he said \$150 per diem. My contention is, that if we work five days a week at even \$100 a day, you'll get better than \$20,000 a year.

I have no quarrel with the work. I have no quarrel with the people. I have quarrel with no pay for no-shows. When I vote, I will vote to sustain the Mayor.

Mr. O'Malley:

I would just like to make a few comments in reference to what the Mayor said. On this point I agree with him. The paid members of this board get \$10,814 a year for meetings that never come up, and it's my understanding that the Appeals Board has not had a hearing in the past 22 months. It's ridiculous.

In my mind I could not understand how my colleagues could go against a pay raise for Council members who work 40 hours a week, who are out on weekends, who are out in the evenings, but yet vote for \$10,000 for a board that never meets. If this passes, the word hypocrite will have a new meaning in this City Council.

The Chair:

Roll call vote.

Mr. Flaherty:

I'm voting to sustain. I'm voting no. I had supported this in the past, but since there was not support here for an equitable salary for all members of Council, I am not going to support this measure. I'm voting to sustain the Mayor because I would have thought if there would be salaries or an equitable salary for all members of Council, then I could have supported this. I see these two issues coupled together. I think they're both two politically charged issues, and if the one isn't accepted, then I don't think the other one should be accepted.

Mr. Givens:

I vote aye on it and for the same reasons that Tom's mentioned, only the reverse. I think everything that the Mayor put in this letter to us dated on the 30th of December is totally political.

Michelle Madoff:

I'm sustaining the Mayor because I thought of it before he did, and I must say I got it from another candidate running for office. It is not an original with the Mayor. He should have taken care of it a long time ago. You don't pay people that don't work. They're no-shows.

Mrs. Masloff:

I'm abstaining.

Mr. O'Malley:

No.

Mr. Robinson:

No.

Mr. Stone:

Aye. Comment, if I may. First of all, this is an appeal board in the Home Rule Charter, and it seems to me that if we want to eliminate an appeal board, we ought to do it by making an amendment to the Home Rule Charter; and not by not funding it properly, and that is the reason that I'm voting that way.

Mr. Woods:

Aye.

The Chair:

I vote aye to override the veto.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Givens

Mr. Woods

Mr. Stone

Mr. DePasquale
(Pres't)

AYES 4

NOES 4

VOTING NO:

Mr. Flaherty

Mr. O'Malley

Michelle Madoff

Mr. Robinson

(SOPHIE MASLOFF ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. O'Malley:

This in no way means the elimination of that Appeals Board.

The Chair:

No.

Mr. Stone:

On the effectiveness without salary

The Chair:

It brings them down to \$120, \$100 a day --

Michelle Madoff:

It will be \$100 a day. If they work five days, they get \$20,000 a year.

Mr. Stone:

I'm not arguing with you, I'm just making a comment.

The Chair:

Mr. O'Malley brings up a good point. To eliminate the Appeals Board, obviously, according to the Home Rule Charter, we can't unless there's a referendum --

Mr. Stone:

Correct.

The Chair:

— and the public passes. Are we saying \$100 per meeting or per day?

Michelle Madoff:

Per day.

The Chair:

Now, what's stopping these people from having three, four meetings a week?

Michelle Madoff:

Nothing.

The Chair:

If they have three, four meetings a week, they get paid \$120 a day.

Michelle Madoff:

A day, that's right. Every day at five days a week.

Mr. O'Malley:

I think abuse like that would be corrected readily.

Mr. Stone:

If I may, resolution supplementing a resolution entitled, fixing the number of officers and employees of the City of Pittsburgh, fixing the rate of compensation thereof, and setting a minimum level per designated positions, by fixing the salary of Personnel Appeals Board on a per diem basis; and Section 1 calls an abbreviated form and they all have copies; a member Personnel

Appeals Board; and number three, rate of pay, \$150 per diem, and it comes out to \$5,400.

Mr. Woods seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

Aye.

Mr. Givens:

I vote aye, and point of clarification. Will they be receiving any rights and benefits under that, like Blue Shield, Blue Cross?

The Chair:

No, I believe they may receive hospitalization on this, and they don't receive pension and other benefits.

Mr. Givens:

We have to get people in there that are knowledgeable of the whole personnel system. The Director of Personnel is making \$49,000 and that department is probably well over a couple of million dollars. We have an appeal process and we're asking to pay them \$150 and not give them any fringe benefits. That is asinine; that's crazy.

Michelle Madoff:

I'm totally lost at this point. We are voting to have it at \$150 a day per diem as opposed to my \$100. I'll go with \$150, aye.

Mrs. Masloff:

Aye.

Mr. O'Malley:

What is this for, now?

The Chair:

\$150 a day, per diem.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of

Council being in the affirmative, the motion was approved.

Mr. Stone:

Mr. President, if I may, relative to the clothing allowance, I move to override the Mayor's veto, Code Account 1003, Miscellaneous Services, City Clerk, and to reinstate Council's inclusion of a \$500 clothing allowance for each of Council's Chauffeur-Clerks.

Mr. O'Malley seconded the motion.

Mr. Givens:

There is a procedural interpretation right here from our Solicitor. There was a resolution introduced into the Council of the City of Pittsburgh which I'm sure is still in there yet. Why is this coming before us on a budgetary matter?

Mr. Stone:

Because you have a line item on it and he vetoed it.

Mr. Givens:

Is the line item in this budget? You show me where it's a line item in this budget.

The Chair:

Dick, your resolution was for '83 that had to be paid. The Mayor's saying in the future he doesn't want them to get the \$500. He can't override that \$500 for '83. He can override the \$500 in the future.

Mr. Givens:

Well, I want to see if there's a line item in there for clothing for chauffeurs. I don't think there is. That

was a verbal agreement that was made between the union and this Council per our own Council staff discussion.

Mike does show me on page —

Mr. Stone:

Code Account 1003.

Mr. Givens:

On page 6 the Council and Clerk's office, B-5 Chauffeur-Clerk, Clothing Allowance, \$1,000 for two people, okay.

Mr. Stone:

Mr. Givens, it's on page 6, B-5.

Mr. Givens:

I just read that. I never saw it in the budget. It was not in the Mayor's budget is what I said, it was in our own Council budget.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye.

Michelle Madoff:

I was told in this Council that that was binding arbitration under law and we had no say in it, because it was done with the Teamsters' Union, I believe, it's binding arbitration. That's not fact, and I vote to sustain the Mayor. I'd like a clothing allowance, too.

Mrs. Masloff:

Aye.

Mr. O'Malley:

I'm not even in favor of the entire system. I vote to sustain the Mayor's veto.

Mr. Robinson:

Aye.

Mr. Stone:

No.

Mr. Woods:

Aye.

The Chair:

Now, I do have the deciding vote, and I would like to make a comment before — I have to agree 100 percent with Mr. Givens, and there were other comments that were made. This was an item that was bargained for by the local Union 249, and this was something that was given to all the drivers of the City of Pittsburgh, and why our drivers should be excluded, I don't understand, so I certainly will go with aye to override the Mayor's veto.

Michelle Madoff:

Point of clarification. Are you telling me that every driver in the City — who else has drivers — gets a \$500 clothing allowance?

The Chair:

Michelle, it was brought to my attention from someone in 249 that they got an agreement with the City to give drivers of the City of Pittsburgh a \$500 clothing allowance. If they give it to other drivers, they're certainly entitled to it.

Michelle Madoff:

Where is it in writing to say that? When that happens, then we'll consider it. There is no --

The Chair:

We could discuss this on and on. The veto was overridden and they get the \$500.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 6 NOES 3

VOTING NO:

Michelle Madoff Mr. Stone
Mr. O'Malley

And a majority of the votes of Council being in the affirmative, the veto was overridden.

Mr. Stone:

That line item is out, period, so we just go to the next subject.

Per Diem Allowance for Human Relations Commission Members, I move procedurally now to override the Mayor's veto in an appropriation resolution of

Code Account 1035, Miscellaneous Services, Supplies and Equipment, Human Relations Commission and to reinstate Council's authorization of a per diem allowance for Human Relations Commission members.

The Chair:

What is that, Bob?

Mr. Stone:

Let me explain. I think there's some confusion here, and it's best to sustain the Mayor on it and we'll straighten it out in the new year. What had happened, Councilman Robinson had a bill, was to pay a per diem to those -- what he intended to those people appointed by Council and the Mayor where they had some expense that they incur while they're serving the City voluntarily; and third, as I requested, he limited it, because we didn't know where it was going to go, and when it was --

The Chair:

You're talking about expenses for the appointed board members?

Mr. Stone:

What it needs is to be rerun so that it is constricted into what it's going to cover, so the best way procedurally to handle it is not to cover it here, and we'll handle it next year.

The Chair:

A procedural vote to override the veto.

Mr. Stone:

Right.

The Chair:

The Chair's impression, we should sustain.

Mr. Robinson seconded the motion.

Mr. Robinson:

Just one comment. Mr. Stone is correct in terms of my basic intent. Also, Council should be aware in the City Code the Human Relations Commission is the only board or commission which has authorization for its members to submit expense vouchers. To my knowledge and the six years that I've been on this Council, the Human Relations Commission is submitting its budget to Council and has never provided a line item for board members to be paid for expenses.

It seems to me if it's in the Code and there is authorization, that it's only fitting that we provide some moneys for that purpose. There is no other board or commission where that kind of provision is made, so when Mr. Stone indicated to me that there was some complication in providing for all boards and commissions in 1984, I indicated to him that I will be satisfied if we could do something for the Human Relations Commission inasmuch as it was identified in the City Code as being eligible.

So, I would like to still see something in there and to override the Mayor's veto in this regard.

The Chair:

If I may, in regard to discussion, your point is well taken, Mr. Robinson. I recall being on the Personnel Board of the Model Cities Program and the Equal Opportunities Act of the Poverty Program, but we had the same problems exactly 20 years ago where we had

members who found it rather difficult to get to the meetings because they just didn't have the car fare; and we made some amendment or restitution that the ones we thought that should be paid were paid, and others that worked without being paid, myself included, because we certainly had a way of getting there, either by car or whatever, but we did compensate those who couldn't make the meetings otherwise, or it was a hardship on them, so I see no problem with overriding that veto.

Mr. Robinson:

Mr. President, if I might just for a point of clarification, I certainly don't want to jeopardize the effectiveness of the Human Relations Commission in this regard. Perhaps a better way to handle this is for us to sustain the Mayor's veto with the understanding that the City Solicitor will be working with Council to prepare a resolution at the first of the year that will clearly identify those areas where commission members can receive reimbursement for expenses; and I'm willing to make that compromise and allow the Mayor's veto to be sustained.

The Chair:

Well, you made the original resolution, right?

Mr. Robinson:

Yes.

The Chair:

Motion to override the veto on the Human Relations Commission, and there has been a recommendation from the sponsor of the motion to sustain rather than to override.

Roll call vote, please.

Mr. Flaherty:

No.

Mr. Givens:

No.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

Aye.

Mr. Robinson:

No.

Mr. Stone:

No.

The Chair:

No.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. O'Malley

AYES 1 NOES 7

VOTING NO:

Mr. Flaherty

Mr. Givens

Michelle Madoff

Mrs. Masloff

Mr. Robinson

Mr. Stone

Mr. DePasquale

(Pres't)

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Stone:

Mr. President, substitute, if I may, supplementing a resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof beginning January 1, 1984 by the addition of Code Account 1030, Miscellaneous Services, Supplies and Equipment, Human Relations Commission in the amount of \$5,510.00. That will be earmarked only for miscellaneous services, supplies and equipment.

Mr. Robinson seconded the motion.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye.

Michelle Madoff:

Aye.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the veto was overridden.

Mr. Stone:

Mr. President, relative to the next two, if they want, I'm willing to take those together.

Mrs. Masloff:

No way. One at a time.

Mr. Stone:

All right. I move to override the

Mayor's veto in both the Salary and Appropriation Resolutions of Code Account 1117, Salaries, Regular Employees, Board of Adjustment, to reinstate Council's \$3,000.00 increase in the salary of the Administrator/Secretary Engineer of the Board of Adjustment raising it to \$26,115.00.

Mrs. Masloff seconded the motion.

The Chair:

Under discussion. Where are we at on that, Mr. Stone, in regards to the other three parties that we had involved?

Mr. Stone:

It has nothing to do with those.

The Chair:

There's no putting anybody in jeopardy in regards to their job is there?

Mr. Stone:

Well, the Mayor vetoed this item. If we override, we have changed the title. Whether that creates a problem or not — he doesn't put the new title in then the old one is eliminated.

The Chair:

Apparently the people who are involved are willing to take that chance. Okay.

Mrs. Masloff:

Tell me again. What's wrong, Mr. Pellegrini?

Mr. Pellegrini:

I think it's a new position in the budget —

Mrs. Masloff:

You're just changing the title. It's the same person, though.

Mr. Pellegrini:

It's the same person.

Mr. Stone:

When you change the job there are certain requirements that are different. So, if he doesn't send the slip down for the new job and you don't have the old one, they're stuck in limbo, meaning they don't have a job.

Michelle Madoff:

I'd like clarification on that. Do I understand that if we vote to override the Mayor there's a possibility the job will be gone?

Mr. Stone:

Yes.

Mrs. Masloff:

That's so unfair.

The Chair:

I think I made it rather clear that whatever we're going to do, we want to do what's best for the party involved. Obviously, Virginia, you are the party involved. So, I think it's no more than right that if you care to say what we should do in this matter. I think we will follow your wishes and respect them. Nobody wants to put your job in jeopardy and at the same time everyone wants to see you get the pay increase. I'm not the Lord; I can't make a decision here. I don't know what's going to happen.

Mr. Stone:

May I suggest, Mr. President, that she talk to you so that we don't open up our forum here and then set a precedence.

The Chair:

What the woman's problem is, Bob, changing the title, does that make it a new job? I feel it does, too. I don't think that the Mayor will eliminate the job because we override him today but at the same time, I'm not the one to make the decision; I'm not affected anymore than you are.

Mr. Stone:

If you say she changed the title the old job is not there. If you don't change the title you have a problem on your increase.

The Chair:

It's not our prerogative to change the title; it's the Mayor's. As I said earlier, I don't think he'll eliminate your job but I can't say for sure and I don't want to be the one to deal with your fate.

Mr. Stone:

Mr. President, hold on. I don't mind her talking to you but I don't want to start a precedence where everybody can come off the street and start participating in this meeting.

Michelle Madoff:

You're not President yet, Mr. Stone.

Mr. Stone:

I'm doing you a favor as well if

you'd just listen sometime instead of babbling all the time.

Michelle Madoff:

You are not the President; the President is speaking.

The Chair:

Virginia, I'm going to ask you one more time. What do you want us to do? Override the veto or sustain it?

Mr. Givens:

Mr. President, may I make a statement please?

The Chair:

Mr. Givens, I've got to know one way or the other.

Mr. Givens:

I'd like to make a statement before she makes a statement and that is that we override the Mayor's veto and that this particular issue be taken up in the five week period of time that we have. I think we can do that, can we not, Danny?

Michelle Madoff:

No, she doesn't have a job anymore.

The Chair:

She'll have a job as of the first of the year and, as Mr. Givens said, then you'll have five weeks to play with it.

Michelle Madoff:

That's if we sustain the Mayor, not if we override him.

The Chair:

That's what we're saying. Sustain the Mayor.

I think the best would be to sustain and then take your action in the following five weeks.

Michelle Madoff:

There's a solution, Mr. President. Why don't we raise the existing job salary? Let's give an increase on the existing job.

The Chair:

That's not our prerogative. You should have done that at budget time. I think you did when you raised it \$3,000.00.

Michelle Madoff:

If we have enough votes here, why can't we raise the salary on the existing job?

Mr. Pellegrini:

You have one item before you right now and that's to sustain or to override.

Michelle Madoff:

Supposing we sustain the Mayor and then we introduce a salary increase on the existing position in the next five weeks? I can do that, can I not?

Mr. Pellegrini:

You can't give her exactly the same salary.

Michelle Madoff:

We can lower it a dollar.

Mr. Stone:

Mr. President, can I make a suggestion? I've just spoken to the individual involved and the request is that we sustain the Mayor's veto at this time.

The Chair:

Roll call vote.

Mr. Flaherty:

No.

Mr. Givens:

No.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

No.

Mr. Robinson:

No.

Mr. Stone:

No.

Mr. Woods:

No.

The Chair:

No.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES none NOES 9

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Stone:

Mr. President, I'm making a motion to reinstate the same position as was there before.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Stone:

Mr. President, on Building Maintenance Superintendent, I move to override the Mayor's veto of Code Account 1133, Salaries, Regular Employees, to reinstate Council's grant of an increase in the amount of \$1,420.00 to the Building Maintenance Superintendent.

Michelle Madoff seconded the motion.

Mr. Stone:

In their best interest as well, I would recommend that this be a

sustained motion.

Michelle Madoff:

Wait just one minute. We're going to keep the salary? We're going to keep the raise?

The Chair:

Members of Council, if I may. If I recall, the party we're talking about received three increments and Council reduced that to one increment. There were a couple of other parties that were involved with three increments and Council gave them no increments. It was agreed on at the table and was passed and obviously was a budgetary item, but at the same time, I don't follow why we should sustain it now when we agreed at the table to allow that one increment.

Michelle Madoff:

We're not going to sustain it; we're going to override. The motion was to override, was it not, Mr. Stone?

The Chair:

No, the motion was to override but the recommendation from Mr. Stone is to sustain. We'd put the man's job in jeopardy.

Mr. Stone:

The motion is to override. My recommendation is that we not override in the best interest of that employee.

Michelle Madoff:

Would that job also be wiped out? Is there a title change on that?

Mr. Stone:

The same problem and I'm only

trying not to hurt anybody.

Mr. Flaherty:

Mr. President, in regard to that. I don't think that situation falls under the same classification as the previous situation. The previous one was a more significant incremental raise. I don't know how many steps exactly but it was a \$3,000 raise and going from \$24,000 to \$27,000 is a significant raise and is much more likely to require a change in job title. The position we're talking about is approximately a \$1,200 merit raise. It is not a raise that is going to move that person into another job classification. To move into another job classification, he would have had to receive the three increment raise that Council originally proposed. In the spirit of compromise, this Council came up, I think, with an extremely fair alternative and accepted only a one increment increase.

So, with those facts on the table, I think it's a bogus argument to say that this person's job may be in jeopardy because it's going to entail a title change. No way is this going to entail a title change; this is simply a ploy to keep this person from getting a merit raise that is legitimately due to the individual. He is the Superintendent of Maintenance of all City buildings, all City entities. He oversees a work force in excess of 60 people. He also has responsibility of all the City swimming pools to boot and I feel that true equity would have been to go with the original proposal of Council but I think since that was not the sentiment of Council, I think Council should stay with what they did last week.

The Chair:

Roll call vote.

Mr. Flaherty:

Aye to override.

Mr. Givens:

Aye.

Michelle Madoff:

Aye.

Mrs. Masloff:

Mr. Stone, are you saying that if we vote aye this man's job is in jeopardy?

Mr. Stone:

There might be a problem here and I'm just trying to avoid it, that's all.

Mr. Flaherty:

No. Sophie, it's only a one increment raise. It's not going to put that person into another job classification. It's not the same situation as the previous case.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

I'm going to say aye but I think it's a problem.

The Chair:

Aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Robinson
Michelle Madoff	Mr. Stone
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the veto was overridden.

Mr. Stone:

Mr. President, on the extra positions, Principal Planner and Enforcement Officer, I move to override the Mayor's vetoes in both the Salary and Appropriation Resolutions of Code Account 1102, Salaries and Wages, Regular and Temporary Employees, and Code Account CD CPS, City Planning, and to reinstate Council's addition of two positions to the budget, that of Principal Planner and Enforcement Officer.

Mr. Robinson seconded the motion.

Mr. Stone:

Mr. President, I recommended this. This does have a title change and I'm requesting all Councilpersons to vote against it so the Mayor's veto is sustained.

Mr. Robinson:

Mr. President and members of Council, it's rather obvious, I think, by the information that has been presented to Council that the staff of the Planning Commission and our Planning Department needs to be supplemented, not only by the information that was forwarded by the Administration but by the discussions we've had in Council. But being very realistic, I think if you read the last sentence of the Mayor's veto explanation, he indicates that he will not fill these positions if they remain in the budget. It probably does not do the Planning Department any good to have positions in the budget that are not going to be filled and certainly my purpose originally in supporting these positions was to enhance the Planning Department. While I believe the Mayor is in error in terms of saying that he doesn't believe these positions are necessary, it's inconsistent to put the positions in the budget at this point that the Mayor will not fill unless this Council is prepared to take the necessary actions and I don't believe Council is prepared to take the necessary actions.

The Chair:

I think that issue is rather clear and sustaining the veto is in order.

Roll call vote, please.

Mr. Flaherty:

No.

Mr. Givens:

No.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

No.

Mr. Robinson:

No.

Mr. Stone:

No.

Mr. Woods:

No.

The Chair:

No.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES none **NOES** 9

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Stone:

Mr. President, supplementing a resolution entitled, Fixing the number of officers and employees of the City of Pittsburgh and fixing the rate of compensation thereof by setting minimum levels for designated positions, Council Bill 4099 by providing for salaries and wages in positions in the Department of City Planning and Appropriations thereof, and in Section 1 the material changes, Enforcement Officer 1 at 20D, 12 months, at \$22,666.

Mr. Robinson seconded the motion.

Which motion prevailed.

The Chair:

Wait a minute. This wasn't a veto then?

Michelle Madoff:

This is bookkeeping.

Mr. Stone:

There are some appropriate line items to change but you all have a copy and the City Clerk does.

The Chair:

Okay.

Mr. Stone:

Relative to Grants and Donations, relative to a few of them, the Mayor is not opposed to them as such. He suggested that instead of being just an outright gift that they go under Code Account 1838. So, in order to simplify this one, let me make a motion to override just this portion of it.

I move to override the Mayor's veto

of Code Accounts 89, 99, 103, and 104, Grants and Donations, to the River City Brass Band, Brashear Association, Community Garden Program and the Arsenal Board of Trade, which the Mayor has stated can be provided for out of the current budget for Parks and Recreation, to reinstate Council's specific grants totaling \$18,500 out of these separate Code Accounts.

May I just add so we save some time that at the same time, there will be an amendment that this will just be shifted over to 1836. We'll vote at one time and solve it all.

Michelle Madoff seconded the motion.

The Chair:

You want to sustain and then go back?

Mr. Stone:

Yes. On those items only.

The Chair:

Although the motion is to override, the recommendation again is to sustain.

Mr. Stone:

Vote no on this bill.

The Chair:

We won't be jeopardizing the grants. They will be put in a different Code. Are we sure of that?

Mr. Stone:

Vote no on this one. The motion is to override but vote no.

Mr. Given:

I have a procedural question, Bob. For example, Arsenal Board of Trade received a \$2,000 line item. Will that then be put into --

Mr. Stone:

They're going to be put into another account.

Michelle Madoff:

So, it's no to override. Is that correct.

Mr. Stone:

The motion is to override. Vote no to that motion.

The Chair:

The recommendation is a no vote but the motion is to override.

Aye to override and no to sustain.

Roll call please.

Mr. Flaherty:

No.

Mr. Given:

No.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

No.

Mr. Stone:

No.

Mr. Woods

No.

The Chair:

No.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Flaherty	Mr. O'Malley
Mr. Given	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
	(Pres't)

AYES none NOES 8

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Stone:

Mr. President, supplementing and amending a resolution entitled, Making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh for meeting the debt charges thereof for the fiscal year beginning January 1, 1984, by amending Code Account 1838, Department of Parks and Recreation, by increasing the amount in the Miscellaneous Services to \$240,600.

That's now just moving all of those items under B-20, the River City Brass Band, B-20, Brashear Association, B-20, Community Garden Program, and B-20, Arsenal Board of Trade. All we did was shift from one section to the other.

Mr. Robinson seconded the motion.

Which motion prevailed.

Mr. Givens:

Bob, I assume that the total amounts are that of —

Mr. Stone:

The same as it was before.

Mr. Givens:

Okay.

Mr. Stone:

Mr. President, relative to Neighborhood Housing Services and the Light of Life Rescue Mission, the Mayor vetoed those two items but he is not opposed to them. What he is saying is that they should come under ULO appropriations. So, what we would do here is not override the Mayor's veto and we'll pick them up under ULO in '84. That's the only step we'd have to take today.

I move to override the Mayor's vetoes of Code Accounts 91 and 92, Grants and Donations, to Neighborhood Housing Services and Light of Life Rescue Mission which the Mayor stated he would provide for out of ULO allotment and to reinstate Council's grants totaling \$37,000 to those two organizations.

Mr. Woods seconded the motion.

Mr. Stone:

The appropriate vote now is no and it will be picked up under ULO.

The Chair:

Roll call vote.

Mr. Flaherty:

No.

Mr. Givens:

No.

Michelle Madoff:

No.

Mrs. Masloff:

No.

Mr. O'Malley:

No.

Mr. Stone:

No.

Mr. Woods:

No.

The Chair:

No.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken

agreeably to law, and were:

VOTING NO:

Mr. Flaherty	Mr. O'Malley
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale (Pres't)

AYES none NOES 8

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Stone:

Mr. President, relative to the following grants, the Mayor has vetoed those.

I move to override the Mayor's veto of Code Accounts 84, 85, 87, 88, 93, and 107, Grants and Donations, to the Police Softball Tournament, Center for Victims of Violent Crimes, Carrick High School Band, Institute of Technology and Society, Friendship Housing Ursuline Center and Pittsburgh Firefighters Local No. 1 Softball Team, which the Mayor stated are illegal under the Pennsylvania Constitution and reinstate grants totaling \$91,000 to these Code Accounts.

He says they're illegal. The one on Ursuline, by the way, if you'll recall, we were talking about doing that under ULO anyhow. But that's the motion on the Mayor.

Mr. Woods seconded the motion.

The Chair:

Your recommendation is to sustain. Correct?

Mr. Stone:

I think you have no choice from what's being said.

Mr. Givens:

Discussion. I have not seen any Article IX, Section IX, of the Pennsylvania Constitution. Do we have a copy of that?

Mr. Pellegrini:

Not in the room.

Mr. Givens:

What I'm trying to say is that if these are in violation then there are many other appropriations that this Council has made over the years that are in violation and I think we should go back over and review each and every one of them. I think this is a slap in the face to those outfits that have come here before this Council. This article is just being imposed now. It seems like it's Victim of Violent Crime that was put up by Jim O'Malley, Carrick High School Band, Dick Givens, Police Softball, Jim O'Malley, Institute of Technology and Society, Friendship Housing and Ursuline Center, Dick Givens, Pittsburgh Firefighters Local No. 1, I think it was Jim O'Malley again.

This seems to me like it's a very political ploy that's only coming about because the Mayor is disgruntled over there and it's again a reflection on this total Council that honest people with honest intention come in with work that's going to be done, especially, I can speak for the Carrick High School Band, that is an extra curricular activity, it is not giving to the School Board, it is given directly to a group that is in an extra curricular activity. I can't see how we could be in violation of the Pennsylvania

Constitution to do that.

In regards to the Friendship Housing Ursuline Center, it was for updating this particular facility. Now, we've updated how many facilities that are non-profit organizations. If we deny this organization right here then we have to go back and stop everything that we've done for the eight years that I've been on this Council.

The Chair:

Mr. Stone, can these not be put into another code account?

Mr. Stone:

If you'll recall, we talked about funding the Ursuline under ULO. It was kind of a back up kind of thing that we put it here. Let's make it real clear. The Mayor has indicated as far as he's concerned, that these items for '84 are in violation of the Pennsylvania Constitution.

The Chair:

Let's not dispute that. I think the recommendation should be to override because Council has passed that at that table.

Michelle Madoff:

Mr. President, point of discussion. I would like clarification from Mr. Pellegrini and particularly from our Finance Chairman. Couldn't the Women's Center and Shelter, if everything else fails and if we lose the vote, the money come out of the Brashear Garden Club, paid out of Parks and Recreation? And couldn't the Women's Shelter come out of the Department of Police Protection Services?

Mr. Stone:

One, Michelle, is services as opposed to a grant.

Michelle Madoff:

Could we change it for services?

Mr. Stone:

You can't because they need it for their particular purpose which is the limitation.

Michelle Madoff:

What about Emergency Medical Services or Housing Emergency Shelter? Could it come out of that? Where can we find another place to get the money legally?

Mr. Stone:

That would be under ULO.

Michelle Madoff:

Could they come under ULO?

Mr. Stone:

The Friendship Housing, and I don't know what their particular full grant is

—

Michelle Madoff:

I'm talking about the Center for Victims of Violent Crimes at this point.

Mr. Stone:

If they're going to approve their building then that could come under ULO. If it's to help their operating capital, it does not qualify.

Michelle Madoff:

Which is it? It's operating capital.

Mrs. Masloff:

Isn't there anyplace that you can find any money for them?

Mr. Stone:

At this point you can't. I think we have to look at them again. I'm not abandoning ship; I'm just trying to see --

Michelle Madoff:

I've got a suggestion. Why don't they have a budget and their budget has to be for operating and for development or improving the building. All they do is shift their money that they're using for improving the building into services and we give them money which we're legally able to give them.

Mr. O'Malley:

They lease the building, Michelle.

Mr. Stone:

If they word the thing correctly they can accomplish indirectly what they can't do directly.

Michelle Madoff:

I'm just afraid of wiping it out now. If we don't override the Mayor's veto, they get nothing.

The Chair:

Can I make one recommendation? I think this is the last item and I would take a chance and override the veto.

Michelle Madoff:

Thank you, Mr. President. Mr. Givens has raised an issue which I think is on firm legal grounds and I think this is a very strong argument. I'm sorry that Councilman Robinson is not in the room. He has repeatedly asked that Council have it's own legal counsel. I hope that with the new Council we will see that we get that because I think we wouldn't be sitting here at zero hour. Somebody would have checked to see if that was legal when the Mayor vetoed it. We would have had somebody available to us.

Mr. Woods:

Mr. President, many of these items are grants and donations this year that we had funded many of these during this past year under different departments and different code accounts. What I would suggest is that we try to do the same thing. Uphold the veto then when we go into the year when these different things come up, then we find the money for them. We did that this past year.

Michelle Madoff:

I think that's too scary. The Friendship Housing Ursuline Center comes out of Unspecified Local Options. The Police Softball could come out of employee benefits, could it not, Mr. Stone?

Mr. Woods:

It could probably come under Parks and Recreation.

Michelle Madoff:

Parks and Recreation. We could find the money there. But the Center for Victims of Violent Crimes is the one I'm very, very, very concerned about. I

want to go with Mr. DePasquale on that; I want to override. Can we take them individually, please?

Mr. Flaherty:

Which one are we on?

Michelle Madoff:

We are on the Grants and Donations. Mr. Givens has stated that we have done this for years. Why are we singling these people out? The others we have money for. The one we don't have money for is —

Mr. Flaherty:

Michelle, I would like to know, if someone could just give us a semblance of meaning of Article IX, Section IX, of the Constitution.

Michelle Madoff:

It means what the Mayor wants it to mean. It's Alice in Wonderland.

Mr. Pellegrini:

Article IX, Section IX, says that no appropriations made for any private purpose accepts standards provided for by the General Assembly for specific groups. What we have been doing over the past years is Act 232 and you can make certain appropriations if they were within certain federal guidelines and that's where the problem is coming in. That's what you see before Council. We continue to make grants because they were standard at the time by Act 232.

Michelle Madoff:

When did that go into effect?

Mr. Pellegrini:

In '74 or '75.

Michelle Madoff:

We've been doing it under Act 232. Why can't we continue.

Mr. Pellegrini:

The Federal Guidelines, establish what we can give to certain individuals.

Michelle Madoff:

Did that change?

Mr. Pellegrini:

It changes about — It seems like every day but it changes almost yearly.

Michelle Madoff:

You mean this year it changed so we can't do it? Is that what you're saying?

Mr. Flaherty:

Why can the County give an appropriation to the Center for Victims of Violent Crimes?

Michelle Madoff:

That was my question. Thank you very much.

Mr. Pellegrini:

The County purposes —

Mr. Flaherty:

No, these are for Administrative costs, the same as this.

Mr. Pellegrini:

I don't know why.

Mr. Flaherty:

Okay. I think the County, for the past year, the County has been able to do it.

Mr. Pellegrini:

The County's regulations are slightly different because they have mental health money. We don't have any mental health money. The County does and they have more welfare type of funds, mental health, coming from the State and Federal Government.

Mr. Flaherty:

Then if we override the Mayor's veto, are you going to court then to say these people can't receive the appropriation because it's unconstitutional?

Mr. Pellegrini:

That's up to the Treasurer if he wants to draw the warrant.

Mr. Flaherty:

Okay. Well then I think the issue should be rightfully resolved in the courts because it's obvious this Council does not have the information to make a rational decision.

The Chair:

Roll call vote.

Michelle Madoff:

Mr. President, I asked that you take them individually because the money can be found for everything

except the Center for Victims of Violent Crimes. On that one, I would like to override. On the others, I will go with the Mayor because we're going to change it to Unspecified Local Options.

Mr. Stone:

Just indicate you vote that way. That's all.

Michelle Madoff:

Then may I take that one first of all, please, Mr. President, as a courtesy? On the Center for Victims of Violent Crimes, I would like to move to override the Mayor's veto.

Mrs. Masloff seconded the motion.

The Chair:

There's a motion and a second to amend it to vote strictly on the Center for Victims of Violent Crimes.

Roll call vote.

Mr. Givens:

This is all taken in context —

The Chair:

We understand, Mr. Givens. I think it was explained that this is the one that may definitely be in jeopardy and therefore wanted to be voted on separately.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye.

Michelle Madoff:

Aye.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

I hope we don't create a jeopardy.
I'm voting aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken
agrecably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the veto was overridden.

The Chair:

Now, on the others, the motion is to override, the recommendation is to override.

Michelle Madoff:

Override and then we'll put it under Unspecified Local Options under another bill.

Mr. Flaherty:

Aye.

Mr. Givens:

I have one objection to that. We all already have a paper in our offices saying that the Friendship Housing Ursuline Center does not qualify under Unspecified Local Option. This is a grant, an outright grant from the City. I suggest this one, and the fact that the County has already submitted their thing, that we approve this particular line item on the Ursuline Center housing and that a legal opinion be given to us and if need be, be taken to the courts. If it has changed, I have to have proof that it has changed and I have to see that in writing. If we vote no on this, it is dead, dead, dead.

I vote aye to override.

Michelle Madoff:

Mr. Stone, I asked you a question. Was Mr. Givens correct when he said there's a letter saying it can't be specified under Local Options?

Mr. Stone:

I think there is a letter to that effect but again, how they word their request, if they have a need of improvement in their building, they specify that and that's what would qualify. You can't ask for money for operating capital under ULO.

Michelle Madoff:

I vote to sustain the veto. I vote no.

Okay. Mr. Stone, what do you recommend?

Mr. Stone:

At this point, you have no choice; he's not going to pay it. It's to vote no.

Mr. Givens:

I disagree with that. I think this thing is going to end up in our Solicitor's office. I think we're going to have to get an opinion on it. If we vote no on this thing right now, if we do not override the Mayor's veto by voting aye, then what it's going to mean is that the Carrick High School Band, the Police Softball Tournament, the Institute of Technology and Society, Friendship Housing Ursuline Center and the Pittsburgh Firefighter's Local No. 1 Softball Team will not get any appropriation. I am saying to vote aye for this, override the Mayor's veto, and let's look at it --

The Chair:

That was clarified about a half hour ago and the recommendation was to vote aye and take your risk with the legality of it.

You voted aye, Mr. Flaherty voted aye, Michelle voted no.

Mr. Givens:

These are outright grants; they're not under Unspecified Local Option. As a result, it comes out of the operating budget. Once we close this chapter today here, there's no going back and opening up a new appropriation.

Michelle Madoff:

I'll tell you, we're so confused at this point we don't know what we're voting on.

The Chair:

There should be no reason for confusion whatsoever. It was clarified a half hour ago. Now we're putting it back where it is confusing.

I'll say it one more time. You're voting aye to override, nay to sustain. If you override, there's the possibility the Mayor may challenge it on legal grounds. There's the possibility Council may win. There's the possibility, as Mr. Givens said, if you vote no it's dead, period.

My recommendation would be to vote aye and take your chances.

We'll go back and start the voting over again.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye.

Michelle Madoff:

Aye.

Mrs. Masloff:

Aye.

Mr. O'Malley:

No. I think that's why we pay a Solicitor. I think if we're going to put out —

Michelle Madoff:

That's why the Mayor has a Solicitor.

Mr. Robinson:

No.

Mr. Stone:

No.

Mr. Woods:

I vote no because we funded many of these things. Through the year we can do the same thing out of Parks and Recreation and other various committees.

The Chair:

Aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty Mrs. Masloff
Mr. Givens Mr. DePasquale

Michelle Madoff (Pres't)

AYES 5 NOES 4

VOTING NO:

Mr. O'Malley Mr. Stone
Mr. Robinson Mr. Woods

And a majority of the votes of Council not being in the affirmative, the veto was sustained.

Mr. Flaherty:

Mr. President, I move to reconsider a previous vote.

The Chair:

Which vote is that?

Mr. Flaherty:

The one regarding the Administrator for the Board of Adjustment.

The Chair:

You want to change your vote?

Mr. Flaherty:

No. I move that Council reconsider the issue. I think we may have a solution to the problem.

Mrs. Masloff:

What is the solution?

Mr. Flaherty:

The solution is that we would not change the title of the individual from Secretary/Engineer to Administrator and that we would only give that person a one increment raise.

The Chair:

Your intentions are well taken, Mr. Flaherty, but I think it's completely out of order. We've already voted on the issue. I don't know how we can go back and vote over again. I think we have to have the resolution at some other time.

Mr. Flaherty:

Well, a majority of this Council can override the Solicitor. So, if that's the opinion of the Solicitor, I move to override the Solicitor to put this issue on the table.

Mrs. Masloff seconded the motion.

The Chair:

On Mr. Flaherty's motion to override the Solicitor —

Mr. Flaherty:

Wait a minute. The Solicitor hasn't said anything yet. Maybe we're a little premature.

Mr. Stone:

If he didn't say anything, how do you account for your motion?

Mr. Flaherty:

Then I move to reconsider the salary of the Secretary/Engineer for the Board of Adjustments.

Mr. Givens seconded the motion.

Mrs. Masloff:

Will the title go back to the old title?

Mr. Flaherty:

Yes. It's called Secretary/Engineer now and so it would not call for a title change. Therefore, we would not have the pitfall that Council was wary of earlier.

The Chair:

First of all, we want to get a ruling from the Parliamentarian before we go any further.

Mr. Pellegrini:

How did you vote?

The Chair:

Originally, we voted to sustain the Mayor.

Mr. Pellegrini:

What you're really voting on is the resolution concerning considering the resolution. The resolution setting a salary for the Secretary/Treasurer in the budget.

Mr. Stone:

Danny, the question right now is whether or not the subject comes back up for reconsideration. That's all. That's his motion now.

Mr. O'Malley:

The majority of Council decides that.

Mr. Stone:

Mr. President, may I help the cause for a minute? If I can get some assist here, maybe we can get it all resolved and we'll take a chance on this one in light of that.

I'd like to join in this resolution and restore the same position that was there before with a one increment increase. In that light, I would like for us to take a vocal vote to approve the reconsideration and I'm ready to join in this particular resolution.

The Chair:

Roll call vote to approve the reconsideration.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye.

Michelle Madoff:

Aye.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

The Chair:

On the vote itself.

Mr. Flaherty:

I move that we give a one increment increase —

Mr. Stone:

Tom, first go back and restore the position as it was before and a one increment increase.

Mr. Flaherty:

I move to restore the position of Secretary/Engineer and a one increment increase.

Mrs. Masloff seconded the motion.

Mr. Pellegrini:

You have to amend the bill.

Mr. Stone:

That's what we meant, Danny.

Mr. President, a motion to amend the budget relative to the matter of appropriations and expenditures and to add in addition thereto the position relative to that subject as it existed in 1983 and to add to it a one increment increase.

Michelle Madoff seconded the motion.

The Chair:

Roll call vote.

Mr. Flaherty:

Aye.

Mr. Givens:

Aye and I'd like to preface my remarks with the fact that when we were in Committee there was one person from the Department of Public Works that this same threat was issued and we turned that increment raise down in this Council. We approved two over here today.

Also, in the Department of Public Works, there are two worthy people that were also turned down. It's too bad that these people cannot be considered.

The Chair:

You can rectify that in the following month, Mr. Givens, but we can't restore it here today.

Mr. Givens:

I know that. I said it's too bad that they are facing a normal increase like everyone else when in fact they were recommended by their department heads.

Mrs. Masloff:

Aye.

Mr. O'Malley:

Aye.

Mr. Robinson:

Aye.

Mr. Stone:

Aye.

Mr. Woods:

Aye.

The Chair:

Aye.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Flaherty	Mr. Robinson
Mr. Givens	Mr. Stone
Michelle Madoff	Mr. Woods
Mrs. Masloff	Mr. DePasquale
Mr. O'Malley	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Stone:

Mr. President, in all of those bills, there is kind of a language that, in effect, says what I'm about to say but I want everybody to know it. In effect, what we're doing is authorizing the Finance Committee and the Budget Staff, authorizing and directing them to make the necessary budgetary line changes to carry out the intent of what we did today. In that light, is anybody opposed to that because it has to be done now?

Mr. Woods seconded the motion.

Which motion prevailed.

Mr. Stone:

I make a motion that the effective date on all bills passed today shall be January 1, 1984.

Mrs. Masloff seconded the motion.

Which motion prevailed.

Mr. Stone:

I have a closing comment, then I'll move for adjournment.

Mr. President, relative to this year's budget, I would be remiss if we didn't point out the irony of how things sometimes happen. I listened to a radio broadcast in which there was almost about a 15 minute discussion. The closing comment was as follows: "And City Council did pass a \$266 million, no tax increase balanced budget."

Somewhere we've lost our values is that ends out being the tail end of what has been happening in the last couple of months. I commend the Mayor for his comments and I'd like to read it if I may.

"A review of the 1984 budget recently presented to me indicates that overall City Council has done an excellent job in preparing the City's spending plan for the next year. The 1984 operating budget increase of only 3.7 percent represents a dramatic reduction in the 10 percent growth rate in costs which we have experienced in the past. Council was able to cut the growth rate in half while still providing the same high level of service to the public."

He then congratulates Council on their overall efforts in presenting this budget.

I just close with this comment. There's been a lot of discussion, a lot of issues that have been blown in proportions far in excess of perhaps their merit. But nevertheless, it boils down that this Council has provided, and I'd like it somewhere to be in headlines and not the tail end of an article, as an afterthought or over with the comics, and that is that this Council did pass a \$266 million, no tax increase balanced budget for 1984 at no curtailment of services.

The Chair:

Would the Press that's here note that, please?

Michelle Madoff:

Before we move to adjourn, you know, it all looks rosy and beautiful that we passed this budget without an increase and there are those who are going to say that those of us who

supported the pensioners are adding on to the debt service. I would like to share with my Councilmembers and the public that there's a committee being formed of the general public responsible action for metropolitan government. We are going to work very hard to work with the corporate leadership to see that somehow or other the suburbanites pay their fair share, we're looking at a 2 percent salary increase, and that will be private sector and hopefully corporation people — I've talked to some of the people representing department stores and some business people. I've talked to some of the people in the media, one of the radio people, and we're going to be talking further to see whether we can, on this Council, invite corporate leaders to come to this Council and have them share the responsibility.

The Chair:

Thank you.

Mr. Stone:

One last technical comment if I may.

I move that any increase as a result of the changes we made today, the excess monies will go into Code Account 42-1, Reserve for Unsettled Wages and Labor Contracts.

Mr. Robinson seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Stone**

Council adjourned.